

[REPORTABLE]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.1301 of 2022

A. Dharmaraj

..Appellant

Versus

**The Chief Educational Officer,
Pudukkottai & Ors.**

..Respondent(s)

J U D G M E N T

M. R. Shah, J.

1. Feeling aggrieved and dissatisfied with the impugned Judgment and Order dated 26.09.2019 passed by the Division Bench of the High Court of Judicature at Madras at Madurai in Writ Appeal (MD) No.834 of 2018 by which the Division Bench of the High Court had dismissed the said appeal preferred by the appellant herein and has confirmed the judgment and order passed by the learned Single Judge quashing and setting aside the promotion of the appellant to

the post of B.T. Assistant (English), the original appellant before the High Court has preferred the present appeal.

2. The appellant herein was promoted to the post of B.T. Assistant (English) vide order of promotion dated 06.08.2016. Prior thereto the appellant was granted the permission to pursue his B.A. (English) under distance education during January, 2012 to December, 2014. He pursued his distance education in B.A. (English) and successfully completed the same in the month of December, 2014. When the appellant was pursuing his education in B.A. (English), the appellant was granted permission to pursue M.A. (Tamil) which was a two year distance education course between the Academic Years 2013-2015. He appeared in the examination for M.A. (Tamil) in May, 2014 and May, 2015 and successfully completed the same. That thereafter the Respondent no.5 herein challenged the promotion of the appellant and others vide Writ Petition No. 15019 of 2016 on the ground that by obtaining two degrees simultenously the appellant has rendered himself ineligible as the appellant did not fulfil the eligibility criteria. Rule 14 was pressed into service which provided that "the teachers

who have obtained B.A./B.Sc and B.Ed., during the same academic year shall not be eligible for recommendations”. The petition was opposed by the appellant and another. It was the case on behalf of the appellant before the learned Single Judge that Rule 14 cannot be applicable to the facts of the case on hand, as the appellant pursued B.A. (English) and M.A. (Tamil) in different academic years. It was submitted that only in a case where B.A./B.Sc/B.Ed. degrees are obtained in the same academic year the same is not permissible. By the impugned judgment and order dated 23.03.2018, the learned Single Judge allowed the said writ petition and set aside the promotion of the appellant to the post of B.T. Assistant (English).

2.1 The appellant preferred a writ appeal before the Division Bench of the High Court. By the impugned Judgment and Order, the High Court has dismissed the said appeal and has not interfered with the impugned judgment and order passed by the learned Single Judge, setting aside the promotion of the appellant to the post of B.T. Assistant (English).

3. Though served nobody has appeared on behalf of the contesting respondents more particularly original writ petitioners.

4. We have heard Shri P.S. Sridharraj, learned counsel appearing on behalf of the appellant and Shri C. Solomon, learned counsel appearing on behalf of the respondent – State Authorities.

5. Having heard the learned counsel appearing on behalf of the respective parties and on perusal of the judgment and order passed by the learned Single Judge as well as the Division Bench, it appears that the promotion of the appellant to the post of B.T. Assistant (English) has been set aside by the High Court on the ground that the appellant obtained two degrees namely B.A. (English) and M.A. (Tamil) simultaneously and therefore as per Rule 14 he was ineligible for promotion. However, considering Rule 14, it can be seen that the bar was against teachers who have obtained B.A./B.Sc./B.Ed degree simultaneously during the same academic year. In the present case it cannot be said that the appellant obtained the degree of B.A. (English) and M.A. (Tamil) during the same academic year. The appellant

pursued his B.A. (English) during January, 2012 to December, 2014. He pursued his M.A. (Tamil) which was a two years distance education course between the academic years 2013-2014 to 2014-2015. Therefore, as such Rule 14 is not applicable to the facts of the case on hand *stricto sensu*. The degree of M.A. (Tamil) cannot be equated with B.A./B.Sc./B.Ed.

5.1 Assuming that the subsequent degree obtained by the appellant namely M.A. (Tamil) is ignored, in that case also, considering his degree in B.A. (English) he could have been promoted to the post of B.T. Assistant (English). That both the degrees secured by the appellant cannot be ignored. It is not in dispute that the degree of B.A. (English) was sufficient as per the eligibility criteria for promotion to the post of B.T. Assistant (English).

6. Under the circumstances both, the learned Single Judge as well as the Division Bench of the High Court have materially erred and ignored the aforesaid aspect in quashing the promotion of the appellant to the post of B.T. Assistant (English).

7. In view of the above and for the reasons stated above the present appeal succeeds. The impugned judgment and order passed by the Division Bench of the High Court in Writ Appeal (MD) No.834 of 2018 and also the judgment and order passed by the learned Single Judge in Writ Petition No. 15019 of 2016 are hereby quashed and set aside. Consequently, the writ petition before the learned Single Judge stands dismissed. The order of promotion promoting the appellant to the post of B.T. Assistant (English) dated 06.08.2016 stands restored.

Present appeal is allowed accordingly. However, there is no order as to costs.

.....J.
(M. R. SHAH)

.....J.
(B. V. NAGARATHNA)

New Delhi,
February 18, 2022.