

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.7.2015.

CORAM

THE HON'BLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

W.P.No.21207 of 2015
and
M.P.No.1 of 2015

R.Rajasekaran

Petitioner

vs.

- 1 Government of Puducherry
Rep. by its Chief Secretary
Puducherry
 - 2 Government of Puducherry
Office of the State Project Director (SSA)
Union Territory Mission Authority
Puducherry.
 - 3 The Member Secretary
Sarava Shiksha Abhiyan
Director of School Education
Puducherry.
 - 4 The Central Administrative Tribunal
Chennai Bench
Rep. by its Registrar
High Court Buildings
Chennai-104.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records in O.A.1804/2013 dated 29.4.2015 on the file of the 4th respondent Tribunal and quash the same and consequently direct the 2nd respondent to include the petitioner in the select list No.3264/SSA/Estt/2013 dated 18.12.2013 under Tamil category and appoint the petitioner to the Post of Block Resource Teacher and Cluster Resource Center Co-ordinator in Sarva Shiksha Abhiyan under Tamil category on contract basis.

For Petitioner : Mr.J.Srinivasa Mohan
For RR 1 to 3 : Mr.R.Syed Mustafa,
Special Government Pleader (Pondicherry)

ORDER

(Order of the court was made by V.RAMASUBRAMANIAN, J.)

Petitioner has come up with the above writ petition challenging the rejection of his claim by the Central Administrative Tribunal for a direction to the second respondent to treat the Degree in Functional Tamil, obtained by him, as equivalent to a Degree in Tamil.

2. Heard Mr.J.Srinivasa Mohan and Mr.R.Syed Mustafa, learned Special Government Pleader (Pondicherry).

3. By a notification issued on 28.9.2013, the Government of Pudhucherry invited applications for appointment of Block Resource Teachers on contract basis under the scheme known as 'Sarva Shiksha Abhiyan'. There were ten posts for which applications were invited. The petitioner applied for a post in Tamil. Unfortunately, his application was rejected on the ground that he held a Degree not in Tamil, but, only in Functional Tamil. Therefore, the petitioner filed an application in O.A.No.1804 of 2013 on the file of the Central Administrative Tribunal contending that the Degree of B.A. Functional Tamil is equivalent to B.A. Degree in Tamil and that therefore, the respondents should not have rejected his candidature. While admitting the O.A., the Tribunal granted an interim order directing the respondents to keep one post vacant.

4. However, eventually, the Tribunal dismissed the application of the petitioner by order dated 29.4.2015. Aggrieved by the said order, the petitioner has come up with the above writ petition.

5. Drawing our attention to the syllabus for B.A. Functional Tamil in which the petitioner studied and the syllabus for B.A. Degree in Tamil Literature, it is contended by the learned counsel for the petitioner that both were same and that there was virtually no distinction on the academic side. The respondents themselves treated this Degree as equivalent in a subsequent selection conducted in 2014-2015. Therefore, the learned counsel contends that the dismissal of his application by the Tribunal was not in accordance with law.

6. We have carefully considered the above submissions.

7. On facts, what had happened is that ten posts were notified by the Government of Pudhucherry on 28.9.2013. A provisional list of selected candidates was released on 18.12.2013. Only four persons were selected for appointment. Six vacancies were left unfilled.

8. Subsequently, the Government of Pudhucherry issued a fresh notification on 27.1.2014 for filling up seven more vacancies. For some reasons, which we are not able to decipher, the notification was kept in cold storage for about a year. However, a corrigendum was issued on 4.2.2015 to the notification dated 27.1.2014 for filling up seven posts. In this selection, a Degree of B.A. in Functional Tamil was considered as equivalent to B.A. in Tamil, purportedly, on the basis of a letter issued by the University of Pudhucherry. The petitioner also participated in this selection. On 1.4.2015, a list of selected candidates numbering seven was released. Unfortunately, the petitioner did not succeed in the second selection.

9. The very process of selection was also very simple and transparent. It appears that the respondents went by the marks secured by the candidates in the Degree Course and added 1.5 marks for each year of waiting in the list of candidates enrolled in the Employment Exchange. The petitioner ranked only 13 resulting in the first seven candidates getting appointment in the second selection.

10. In the above circumstances, we are of the considered view that the grant of any relief to the petitioner with reference to the selection of the year 2013 may sabotage the results of the selection that happened in 2014-2015. It is true that the petitioner obtained an interim order to keep one post vacant. But, the respondents have taken a stand that the order could not be worked out. Now, under the second selection, seven posts have been filled up on 1.4.2015.

11. In any case, if there was a doubt as to whether a Degree obtained in a particular subject can be treated as another degree indicated in the notification for selection, it is the University which has to come to the rescue of the employer. In this case, the University of Pudhucherry opined that B.A. Functional Tamil is just the same as B.A. Tamil only after the process of selection of the year 2013 was over. The opinion of the University cannot be given retrospective effect as there may be other candidates who had taken the Degree in Functional Tamil and had participated in the same selection of the year 2013. Therefore, we are of the considered view that the order of the Tribunal does not call for any interference.

12. In the result, the writ petition is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ssk.

To

- 1 The Chief Secretary
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Puducherry
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- 4 The Registrar
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1 cc to Sr.Government Pleader.Sr.No.37499

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