

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5287 of 2015

And

M.P.No.1 of 2015

S.Suganthi

... Petitioner

Vs.

1.The Secretary to Government,
Higher Education Department,
Chief Secretariat
Fort St.George,
Chennai - 600 009.

2.The Registrar,
Tamil Nadu Teachers Education University,
Lady Willington College Campus,
Kamarajar Salai,
Chennai - 600 005.

3.The Controller of Examination,
Tamil Nadu Teachers Education University,
Lady Willington College Campus,
Kamarajar Salai,
Chennai - 600 005.

4.The Principal,
Sri Ram Nallamani Yadava College of Education,
Kodikurchi, Tenkasi,
Tirunelveli District - 627 804.

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of mandamus directing the respondents no.2 and 3 to include the petitioners' name in the Eligibility - Cum - Approval List for Admission into B.Ed., Degree Programme for the Academic year 2014-2015.

For Petitioner : Mr.T.Mohan

for M/s.A.Suresh Sakthi Murugan

For Respondents : Mr.V.Jayaprakash Narayanan for R1

Special Government Pleader

Mr.G.Anantharangan for R2 and R3

Standing Counsel

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second and third respondents. With the consent of both the parties, this writ petition is taken up for final disposal.

2.The petitioner seeks for a direction to the respondents 2 and 3 to include her name in the Eligibility - Cum - Approval List for Admission into B.Ed., Degree Programme for the Academic year 2014-2015.

3.The respondents by relying upon G.O.(1D) No.92 dated 21.05.2014 have refused permission to the petitioner to undertake the examination since the petitioner has not studied in the subjects which are relevant and has not completed the studies in 10+2 pattern.

4.The learned counsel for the petitioner relied upon several un-reported decisions of this Court and contended that the petitioner satisfies the norms.

5.Infact, identical contention was raised in W.P.No.14310 of 2014 and this Court by its order dated 24.09.2014 dismissed the writ petition. At this stage, it is worthwhile to extract the entire order of this Court passed in W.P.No.14310 of 2014 dated 24.09.2014:

"The petitioner joined the 5th Respondent College, for one year B.Ed., Course, in August, 2013. But eventually, she was not permitted to write examination in May 2004, forcing her to come up with the above writ petition.

2.I have heard Mr.S.Dhanasekaran, learned counsel for the petitioner, Mr.P.Sanjay Gandhi, learned Additional Government Pleader, appearing for the Respondents 1 and 2, Mr.G.Anantharangan, learned counsel appearing for the Respondents 3 and 4 and Mr.P.Nagaraju, learned counsel appearing for the 5th Respondent.

3.As per G.O.Ms.No.121, Higher Education (G1) Department, dated 04.07.2013, candidates who have passed Under-Graduate Degree Course or Post-Graduate Course in Open University System without either a pass in the 11 years S.S.L.C. Examination and pass in one year Pre-University Examination Course or pass in the 10+2 pattern of School Education are not considered for admission to B.Ed., Programme. The petitioner passed 10th Standard and thereafter completed a three year

Diploma Course in Costume Design and Dressmaking. Thereafter, she completed three year Course in Tamil Literature, through Annamalai University, Distance Education. Therefore, the petitioner was not entitled to be admitted as per the guidelines in paragraph 2 (II) (ii) annexed to G.O.Ms.No.121, Higher Education (G1) Department, dated 04.07.2013.

4.The learned counsel for the petitioner relies upon the three decisions of this Court in support of his contention that a three year Diploma is treated as equivalent to two year Higher Secondary Course. They are:-

(1)In J.W.Manjula Vijayakumari vs. State of tamil Nadu (W.P.No.15296 of 2013).

(2)In K.P.Suguna vs. The Additional Assistant Elementary Educational Officer, Hosur Panchayat Union (W.P.No.23595 of 2013)

(3)In P.Muthukumaran vs. The Director of Elementary Education (CDJ 2014 MHC 1419).

But those decisions arose out of cases of serving employees. These cases do not concern the eligibility for admission to the B.Ed., Course. After the advent of the Right to Education Act, norms have been prescribed. Therefore, the petitioner cannot get any relief from this Court. Hence, the writ petition is dismissed. The 5th Respondent College is directed to refund all the fee that was paid by the petitioner. No costs."

6.Since the decision is squarely applicable to the case on hand and in the instant case also the petitioner does not satisfy the educational requirements as stipulated by the UGC and adopted by the respondents and the admission itself was without satisfying the basic norms, the prayer sought for in this writ petition cannot be granted.

7.Therefore, this writ petition is dismissed. Since the admission of the college itself was not approved, the fourth respondent college is directed to refund the entire fees collected from the petitioner within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar
Dated:9.3.15

True Copy

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Higher Education Department,
Chief Secretariat
Fort St.George,
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 - 2.The Registrar,
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Chennai - 600 005.
 - 4.The Principal,
Sri Ram Nallamani Yadava College of Education,
Kodikurchi, Tenkasi,
Tirunelveli District - 627 804.
- +1 cc to Mr.A.suresh sakthi Murugan, Advocate, SR.11501
+1 cc to Government Pleader, SR.11287
+1 cc to Mr.G.Anantharangan, Advocate, SR.11066.
- tm(co)
krd 10/3

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