

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Writ Appeal No.1098 of 2012 &
MP.No.1 of 2012

1. The Secretary
School Education Department
Fort St.George, Chennai 9
2. The Chairman
The Teachers Recruitment Board
EVK Sampath Maligai
College Road, Chennai 6
3. The Member Secretary
The Teachers Recruitment Board
EVK Sampath Maligai
College Road, Chennai 6 ..Appellants/Respondents

-vs-

L.Kavitha ..Respondent/Petitioner

WRIT APPEAL filed under Clause 15 of Letters Patent against the order passed in W.P.No.6556 of 2011 dated 29.7.2011.

Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, to direct the respondents 2 and 3 herein to accept the B.A and B.Ed Degrees issued by competent Universities for Selection to the post of Graduate Assistant Teacher and thereby direct the respondents to consider the petitioner for appointment to the post of Graduate Assistant Teacher in English in Government Schools with Roll Number D02140001.

For Appellants : Mr.P.Karthikeyan,
Addl.Government Pleader

For Respondent : Mr.A.R.Suresh

J U D G M E N T

(Judgment of the Court was delivered by
A.SELVAM, J)

This Writ Appeal has been directed against the order dated 29.7.2011 passed in Writ Petition No.6556 of 2011 by the learned Single Judge of this Court.

2. The respondent herein, as petitioner, has filed W.P.No.6556 of 2011 on the file of this Court under Article 226 of the Constitution of India praying to direct the respondents 2 and 3 to accept B.A., and B.Ed., degrees issued by the competent Universities for selection to the post of Graduate Assistant Teacher, wherein the present appellants have been shown as respondents.

3. It is averred in the petition that the petitioner has obtained B.Ed., Degree in Periyar University and similarly she has obtained B.A Degree course through correspondence course in Annamalai University, but the respondents 2 and 3 have failed to recognize the same. Under such circumstances, present petition has been filed for getting the relief sought therein.

4. Learned Single Judge, after considering the rival contentions put forth on either side, has allowed the petition by way of passing the impugned order. Against the order passed by the learned Single Judge, present Writ Appeal has been filed at the instance of the respondent, as appellant.

5. The learned Additional Government Pleader has vehemently contended to the effect that since the respondent/petitioner has obtained both B.A and B.Ed., degrees simultaneously from different Universities, the same cannot be recognized and the learned Single Judge, without considering the specific objection put forth on the side of the appellants/respondents, has erroneously allowed the Writ Petition and therefore, the impugned order passed by the learned Single Judge is liable to be set aside.

6. Per contra, the learned counsel appearing for the respondent/petitioner has also equally contended that there is no hard and fast Rule for rejecting the degrees obtained simultaneously and the learned Single Judge, after considering the lack of any rigid Rule in the University of Madras has rightly allowed the writ petition by way of passing the impugned order and therefore, the impugned order passed by the learned Single Judge is perfectly correct and the same does not call for any interference.

7. As adverted to earlier, the specific relief sought in the Writ Petition is to recognize the degrees, viz., B.A., and B.Ed., obtained by the petitioner simultaneously from Periyar University as well as

Annamalai University. Of course, it is true that B.A.Degree has been obtained by the petitioner/respondent through correspondence course in Annamalai University.

8. In fact, this Court has perused the reply given by the Madras University, wherein it has been simply stated that so far two degrees obtained in the same year have not been recognized. In fact, the Madras University has not specifically stated any Rule, which prohibits recognition.

9. Considering the fact that Madras University has given only nebulous answer with regard to recognition and it has simply stated to the effect that so far these types of degrees have not been recognized, this Court is of the view that necessary direction can be given to the respondents 2 and 3.

10. Learned Single Judge, after considering the divergent contentions raised on either side, has allowed the writ petition No.6556 of 2011. In view of the discussions made earlier, there is no force in the contention put forth on the side of the appellants/respondents and altogether the present Writ Appeal deserves to be dismissed.

In fine, this Writ Appeal is dismissed without cost. The order dated 29.7.2011 passed in Writ Petition No.6556 of 2011 by the learned Single Judge is confirmed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Secretary
School Education Department
Fort St.George, Chennai 9
2. The Chairman
The Teachers Recruitment Board
EVK Sampath Maligai
College Road, Chennai 6

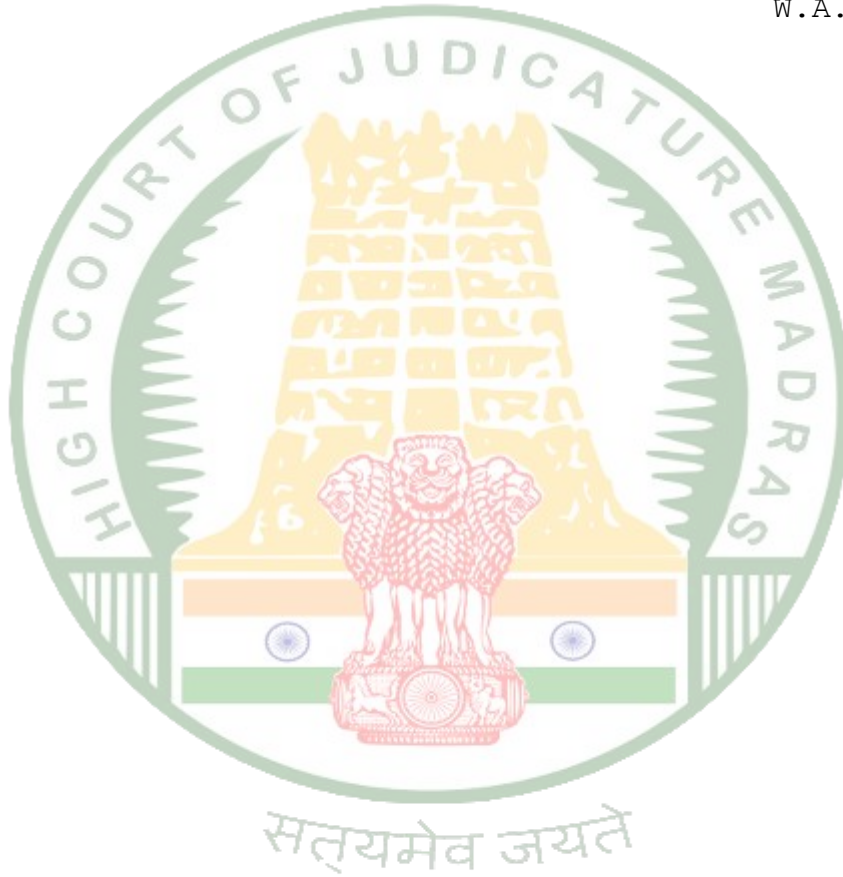
3. The Member Secretary
The Teachers Recruitment Board
EVK Sampath Maligai
College Road, Chennai 6

+1 cc to the Government Pleader, SR.35371

+1 cc to Mr.A.R.Suresh, Advocate, SR.35343.

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W.A. No.1098 of 2012



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