

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Orders reserved on 27.09.2016)

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.41078 of 2015

and

M.P.No.1 of 2015

K.Paruvatham

... Petitioner

Vs.

1.The Principal Secretary to the State of Tamil Nadu,
Education Department,
St. George Fort,
Chennai-600 019.

2.The Member Secretary,
Tamil Nadu Teachers' Recruitment Board,
4th floor, E.V.K.Sampath Maligai,
College Road,
Chennai-06.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner as P.G. Asst. Teacher in Tamil in the recruitment year 2013 with all attendance and service benefits.based on the representation of the petitioner's dated 17/11/2015.

For Petitioner : Mr.C.Munusamy

For respondents : Mr.N.Srinivasan, AGP

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner as P.G. Asst. Teacher in Tamil in the recruitment year 2013 with all attendance and service benefits.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1. The petitioner has completed B.A (Tamil) degree in May-2006. Thereafter, he has joined M.A.(Tamil) in the academic year 2006 to 2008. After completing the first year in M.A(Tamil), the petitioner discontinued it and joined B.Ed. regular course in the year 2007-2008. After completing the B.Ed., court, the petitioner rejoined M.A. (Tamil) Second year and successfully completed the course.

2-2. The petitioner participated in the Tamil Nadu Teachers' Recruitment Board Examination for the post of Graduate Asst. Teachers in Tamil and obtained 104 marks. As the petitioner was successful in the examination, the 2nd respondent vide his proceedings dated 23.12.2013 called the petitioner to attend for certificate verification for the post of P.G. Asst. in Tamil on 30.12.2013 at 10.00 am at Sri Ramakrishna Saratha Higher Secondary Shool, Sooramangalam, Salem District. Accordingly, the petitioner has attended the venue and submitted all the certificates. The petitioner was not selected. On enquiry, the 2nd respondent informed the petitioner that as he had discontinued the M.A. (Tamil) Course and joined B.Ed., Course and after completing the B.Ed., court, he rejoined the 2nd year M.A.(Tamil) and it amounts to dual Degree during the same years. In other words, the petitioner has obtained two degrees in the same years, which cannot be recognized. As such, he was not selected for the said post. It is further stated by the petitioner that similarly placed persons like that of the petitioner have been given appointment by the respondents. Hence, on 17.11.2015 the petitioner has given representation to the respondents. Since the petitioner's representation was not considered by the respondents, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner would submit that the petitioner had joined M.A. (Tamil) degree course during the academic year 2006 to 2008. But, after completing the first year, he discontinued the M.A. (Tamil) and joined B.Ed., course during the academic year 2007-2008. After completing the B.Ed., course, the petitioner again rejoined M.A. (Tamil) degree course, in the second year and successfully completed the said course. Under such circumstances, it cannot be termed as dual decree in the same academic years. In fact, similarly placed persons like that of the petitioner have also been given appointment by the respondents. Thus, the learned counsel for the petitioner sought for a suitable direction to the respondents to appoint the petitioner in P.G. Asst (Tamil) Post.

4.Per contra, the learned Additional Government Pleader, by filing a detailed counter, submitted that since the petitioner had studied two decree courses simultaneously, he is not eligible to be appointed in the P.G.Asst. Teacher post. Thus, he sought for dismissal of the writ petition.

5.Heard both sides and perused the materials available on record.

6.The petitioner had joined M.A. (Tamil) degree course during the academic year 2006 to 2008. But, after completing the first year, he discontinued the M.A. (Tamil) and joined B.Ed., course during the academic year 2007-2008. After completing the B.Ed., course, the petitioner again rejoined M.A. (Tamil) degree course in the second year and successfully completed the said course. Under such circumstances, as contended by the learned counsel for the petitioner, it cannot be termed as dual decree in the same academic years. The petitioner's appointment cannot be rejected on this ground. In this regard, the petitioner has also given a representation dated 17.11.2015 to the 1st respondent. Hence, I am of the opinion that a direction could be given to the 1st respondent to consider the petitioner's representation and to pass appropriate order.

7.Accordingly, this Court directs the 1st respondent to consider the representation dated 17.11.2015 given by the petitioner and to pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to the State of Tamil Nadu,
Education Department,
St. George Fort,
Chennai-600 019.

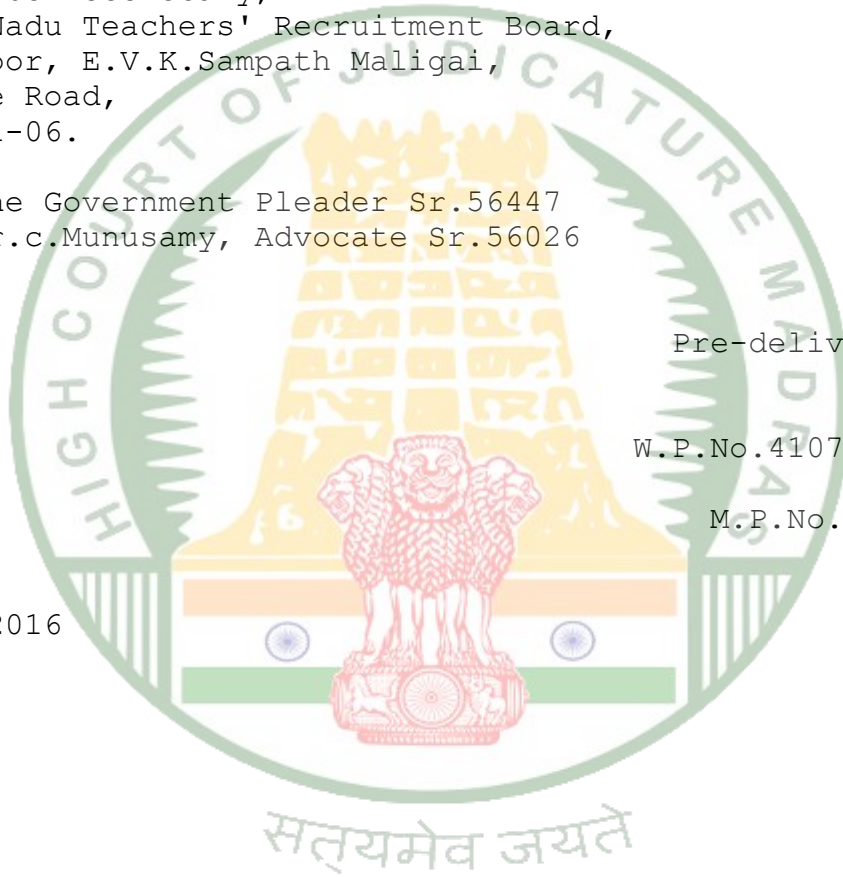
2. The Member Secretary,
Tamil Nadu Teachers' Recruitment Board,
4th floor, E.V.K.Sampath Maligai,
College Road,
Chennai-06.

+1cc to the Government Pleader Sr.56447
+1cc to Mr.c.Munusamy, Advocate Sr.56026

Pre-delivery order
in

W.P.No.41078 of 2015
and
M.P.No.1 of 2015

CO (MK)
CP 21/10/2016



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