



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2016

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WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.774 of 2014

and

W.M.P. (MD) Nos.1 & 2 of 2014

M.Murugan

... Petitioner

-vs-

1. The Secretary to Government,
Department of School Education,
Fort St.George, Secretariat,
Chennai.
2. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Campus,
College Road, Chennai-600 006.
3. The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai-600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned selection list relating to the petitioner dated Nil published in the official website of the 2nd respondent, quash the same and consequently, direct the 2nd respondent to select the petitioner for Post Graduate Assistant in Tamil subject arising out of the Notification issued by the 2nd respondent for Direct Recruitment of Post Graduate Assistants for the year 2012-2013 and direct the 3rd respondent to appoint him in the above post.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.S.Sathish Kumar
Addl. Govt.Pleader

**ORDER**

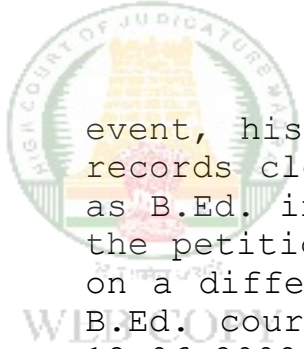
This petition has been filed, seeking to quash the impugned selection list published in the official website of the 2nd respondent and to direct the 2nd respondent to select the petitioner for the post of Post Graduate Assistant in Tamil subject arising out of the Notification issued by the 2nd respondent for Direct Recruitment of Post Graduate Assistants for the year 2012-2013.

2. The case of the petitioner is that he has completed his graduation in the year 2009 and subsequently, joined B.Ed. in the regular course during the academic year 2010-2011; that while doing his B.Ed. course, he also pursued M.A. (Tamil) through Distance Education; that he applied for the post of P.G.Assistant in Tamil discipline based on the notification issued by the 2nd respondent and scored 104 marks in the examination; that after certificate verification, his name did not find place in the list of provisionally selected candidates on the ground that the Course of study PG and B.Ed., is simultaneous. Aggrieved by the same, the petitioner has approached this Court with the relief stated supra.

3. Learned counsel for the petitioner would submit that the act of the respondents in not selecting the petitioner on the reasoning mentioned supra is highly arbitrary and illegal, especially after having permitted the petitioner to write the examination and called for certificate verification.

4. Per contra, learned Additional Government Pleader drew the attention of this Court to G.O.Ms.No.107 P&AR (M) Department dated 18.08.2009, wherein it has been stipulated that the candidates, who have completed the course in the pattern of 10+2+3 alone can be considered for appointment in public services. The Registrar, University of Madras has also issued a letter in ERC/Evaluation-dual degrees/2011-051 dated 12.01.2011, stating that U.G.degree and B.Ed. obtained in the same academic year by undergoing the course through Open University and regular course from different universities have not been recognized so far, which stand has also been upheld by the Hon'ble Division Bench of this Court in W.A.No.845 of 2013 dated 07.01.2014. Therefore, the degrees obtained by a person in the same academic year cannot be taken into consideration for the purpose of granting promotion.

5. I find force in the contention raised by the learned Additional Government Pleader. It is nothing wrong in gathering knowledge by studying different courses, but that cannot be demanded to be included into the service for getting subsequent promotion. It is not the case of the petitioner herein that even though he has joined the subsequent course after completion of the previous course, he would be able to come out successful in both the courses during a particular academic year only. In such an



event, his case could have to be necessarily considered, but the records clearly show that the petitioner joined both M.A. as well as B.Ed. in the very same academic year. The judgment relied on by the petitioner in W.P.(MD) No.1677 of 2013 dated 13.02.2015 stands on a different footing, as in that case, the petitioner completed B.Ed. course in April, 2008 and thereafter, joined M.A.course on 12.06.2008 and therefore, this Court directed the respondent therein to appoint the petitioner therein as P.G.Assistatnt, but that is not the case in respect of the petitioner herein. Therefore, finding no merits in the writ petition, the same is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
Department of School Education,
Fort St.George, Secretariat,
Chennai.
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EVK Sampath Maaligai, DPI Campus,
College Road, Chennai-600 006.
3. The Director of School Education,
DPI Campus, College Road, Nungambakkam, Chennai-600 006.

+1 cc to M/s.D.Shanmugaraja Sethupathy, Advocate in SR.No. 81493

+1 cc to The Special Government Pleader in SR.No.81602

ar

CSL/SS2-KSM/24.01.2017 : 3P/6C

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