



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

W.A.(MD).No.1103 of 2016

and

C.M.P.(MD).No.6743 of 2016

1.The Secretary,
State of Tamil Nadu,
School Education Department,
Fort.St.George, Chennai 9.

2.The Tamil Nadu Teachers Recruitment Board,
Represented by its Member - Secretary,
Fourth Floor, E.V.K.Sampath Maligai Road,
Chennai 600 006.

: Appellants

Vs.

M.Kumuthavalli

: Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 11.01.2013 made in W.P.(MD).No.16696 of 2012 on the file of this Court.

Prayer in WP(MD). 16696/ 2012 :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Certificate Verification Results pertaining to the petitioner in Roll No.12PG09080020 passed by the 2nd Respondent in disqualifying the petitioner as Not Eligible and to quash the same as illegal and direct the 2nd respondent to appoint the petitioner as Post Graduate Assistant by considering her Degree of Bachelor of Education B.Ed., (Special Education) is equivalent to the Bachelor of Education B.Ed., (General Education) in the light of the Equivalency Certificate issued in G.O. (Ms.) No. 56 Higher Education (K2) Department dated 24.04.2012.

For Appellants	: Mr.A.K.Baskara Pandian Special Government Pleader
For Respondent	: Mr.B.Jeyakumar



JUDGMENT

[Judgment of the Court was made by
The Hon'ble The Chief Justice]

Admit. The learned counsel for the respondent accepts notice.

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2. At the joint request made by the learned counsel for the parties, the Writ Appeal itself is taken up for final disposal.

3. The respondent failed to obtain the post of Graduate Assistant on being found ineligible, as her degree of Bachelor Education B.Ed., [Special Education] was not found equivalent to the Bachelor Education, B.Ed., [General Education]. On the respondent approaching the Court, in terms of the impugned order dated 11.01.2013, relying on the minutes of the meeting of the Teachers Recruitment Board, held on 07.01.2013, the Writ Petition has been allowed.

4. In the Writ Appeal before us, it is contended that though no challenge is sought to be made, on the ground the Writ Petition has been allowed, the impediment in the way of the respondent is that the respondent has obtained B.A Degree from a non-recognized institution, namely, Indira Gandhi Institute of Higher Education. The application form for admission in the institution states that it is sponsored by Mary Kanagam Memorial Educational Trust and boldly stated as "autonomous institution". It also states that B.Ed., and M.Ed., Degrees are programmes designed for training teachers in English Medium Private [Unaided] Schools in India and Abroad, hence are independent of the provisions of the NCTE Act 1993. Certificate has also been obtained from the University Grants Commission that the institution is not included in the list of Universities as made by the University Grants Commission.

5. The learned counsel for the respondent faced with the aforesaid position only contends that this is an afterthought and different from the ground on which the respondent was held ineligible.

6. On consideration of the submissions of the learned counsel for the parties, no doubt, what the respondent states is correct. But, the fact remains that the degree of B.Ed., [Special Education] has been obtained from a non-recognized institution and thus, the respondent cannot get the benefit of the degree on that ground. The respondent cannot be stated to be totally unaware, in view of the endorsements on the application form.

7. We are, thus, of the view that the impugned order of the learned Single Judge has to be set aside and accordingly, the order dated 11.01.2013 is set aside and the Writ Petition in W.P.(MD).No.16696 of 2016 filed by the respondent is dismissed, leaving the parties to bear their own costs. The Writ Appeal



stands allowed. Consequently, connected Miscellaneous Petition is closed.

8. Before we part with the matter, we must notice the potentiality of candidates being misled by the educational institutions taking it to be a recognized one. We do believe that it is the bounden duty of the Department of Education to verify the position of existence of such institutions and prescribe an endorsement to be put in bold letters in the application forms/brochures of all such institutions so that the candidate has no doubt that it is an un-recognized University. Use of phraseology "autonomous institution" by itself can mislead the candidates. At the stage, we notice that the first appellant is actually the Secretary to Government, School Education Department, while possibly this matter be dealt with by the Secretary, Higher Education. A direction is, thus, made to the Secretary to Higher Education, Government of Tamil Nadu, with a copy of the Judgment endorsed to them to take necessary action in this behalf and issue necessary Government Orders within a maximum period of two months of the receipt of the Judgment.

9. List the matter, after two months, for reporting compliance.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
State of Tamil Nadu,
School Education Department,
Fort.St.George, Chennai 9.

2.The Tamil Nadu Teachers Recruitment Board,
Represented by its Member - Secretary,
Fourth Floor, E.V.K.Sampath Maligai Road,
Chennai 600 006.

Copy to

The Section Officer,
Writ Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to Special Government Pleader SR.No.59094

+1cc to M/s.B.Jeyakumar, Advocate SR.No.58348

JUDGMENT MADE IN
W.A. (MD) .No.1103 of 2016