

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1120 of 2017

A.Amutha ... Appellant/Petitioner

-vs-

1. The Secretary to Government,
Education Department, Fort St.George,
Chennai-600 009.
2. The Chairman,
Teachers Recruitment Board,
E.V.K.Building, College Road,
Chennai-600 006.
3. The Member Secretary,
Teachers Recruitment Board,
E.V.K.Building, College Road,
Chennai-600 006.
4. The Director of School Education,
School Education Department,
College Road, D.P.I., Chennai.
5. The Joint Director,
Higher Secondary Education Department,
College Road, D.P.I., Chennai-600 006.

... Respondents/Respondents

Appeal filed filed under Clause 15 of the Letters Patent,
against the order passed by this Court in W.P.No.14392 of 2010
dated 07.07.2017.

W.P.No.14392 of 2010:

Petition filed under Article 226 of the constitution of
India for the issuance of a Writ of Mandamus, directing the
second respondent to select the petition as P.G. Assistant in
Zoology of the Teacher's Recruitment Board under the priority of
the I.C.M.

For Appellant :: Mr.D.Bharatha Chakravarthy
for M/s.Sai Bharath and Ilan

For Respondents:: Mr.R.Prathapkumar,
Addl.Govt.Pleader

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal is filed against the order passed by this Court in W.P.No.14392 of 2010 dated 07.07.2017, wherein the learned single Judge of this Court, while accepting the contention that Post Graduate Degree in Marine Biology is equivalent to Post Graduate Degree in Zoology, ordered that the appellant may be appointed as Post Graduate Teacher in the school under the control of the respondents, subject to passing of the examination conducted on 02.07.2017.

2.The appellant filed the writ petition in W.P.No.14392 of 2010 praying for a Mandamus directing the second respondent to select her as P.G.Assistant in Zoology of the Teachers Recruitment Board under the priority of I.C.M. The appellant contended before the Writ Court that she has completed post graduation in Marine Biology in Annamalai University and earlier the Government had not promoted her since it was not equivalent to that of post graduation in Zoology. During the pendency of the writ petition, the Government has announced for recruitment of P.G.Assistant and the appellant also appeared for the examination on 02.07.2017. At that time, the learned Additional Govt.Pleader appearing for the Government, submitted that Post Graduate Degree in Marine Zoology is equivalent to Post Graduate Degree in Zoology and hence the appellant can take classes for Zoology in the Higher Secondary Course. Recording the said submission, the learned single Judge has passed the impugned order as stated supra.

3.Challenging the order passed in the writ petition, the present appeal has been filed by the appellant.

4.The learned counsel for the appellant submitted that the appellant was sponsored by the Employment Exchange in the year 2010 and certificate verification was also done on 12.03.2010 since she came within the employment seniority and the zone of consideration. While so, erroneously holding that the appellant's Post Graduate degree in Marine Biology was not equivalent to that of Post Graduate degree in Zoology, she was not considered for the post of Post Graduate Assistant and the Government did not issue offer of appointment. Had it not been so, the appointment would have been granted to the appellant

with effect from 03.03.2010. Now that it was clarified by the University of Madras that Post Graduate degree in Marine Biology is equivalent to that of Post Graduate degree in Zoology during the relevant point of time and hence, the respondents have to appoint the appellant as Post Graduate Teacher (Zoology) with effect from 03.03.2010, the date on which other candidates including the juniors of the appellant were appointed with all consequential service benefits and back wages.

5.We have heard the learned Additional Government Pleader on the submissions made by the learned counsel for the appellant.

6.The contention of the appellant is that she was already fully qualified in the year 2010 itself for appointment to the post of Post Graduate Teacher (Zoology). After perusing the records, we find that the clarification letter stating that M.Sc.(Marine Biology) course of Annamalai University has been recognised as equivalent to M.Sc.(Zoology) Course of University of Madras, has been issued by the University of Madras on 09.02.1987 itself. Thus, we find that she was eligible to be appointed for the said post during the relevant time. In these circumstances, it is for the respondents to take up and consider the case of the appellant, if she is otherwise eligible, in accordance with law, within a period of three months from the date of receipt of a copy of this judgment.

7.With the above observation, the writ appeal is partly allowed. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Education Department, Fort St.George,
Chennai-600 009.

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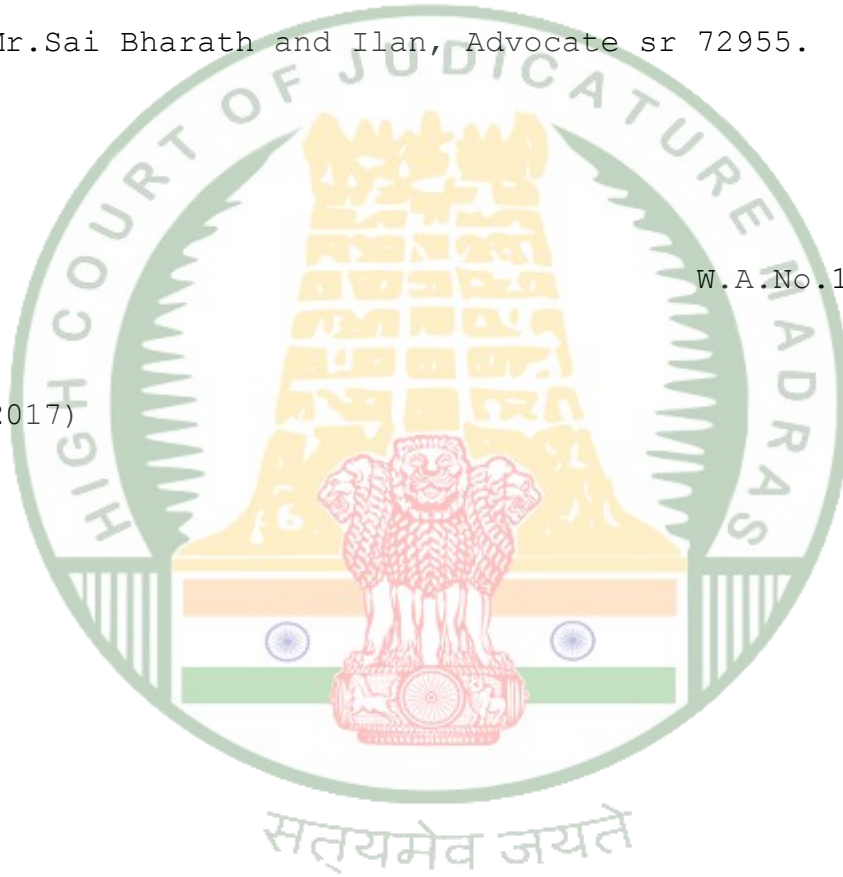
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+1 CC to Mr.Sai Bharath and Ilan, Advocate sr 72955.

W.A.No.1120 of 2017

SR(CO)
sp(31/10/2017)



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