

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1163 of 2017
against WP.No.14819 of 2017
and
C.M.P.Nos.16198 & 16199 of 2017

Dr.C.Manikandan

Appellant/Petitioner

Versus

1. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai 600 006.
2. The Member Secretary,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai 600 006.
3. The Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
- 4.The Director of School Education,
College Road, Chennai 600 006.

Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 3.7.2017 passed in W.P.No.14819 of 2017 on the file of this court.

WP.No.14819/17:This Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the Respondents to accept the application of the Petitioner and to permit the petitioner to appear in the examination

For appellant : Mr.R.Lakshmi Ratan
For respondents : Mr.K.Venkataramani,
Additional Advocate General assisted by
Mr.P.S.Sivashanmugasundaram, Spl.G.P.

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and the learned Additional Advocate General appearing for the respondents.

2. The writ appeal is filed challenging the order passed by the learned Single Judge dismissing the writ petition filed for a mandamus to the respondents to accept the application of the petitioner and to permit the petitioner to appear in the examination.

3. It appears that the appellant/writ petitioner, who possesses M.P. Political Science and B.Ed., sought to compete for the post of Post Graduate Assistant in School Educational Service, Tamil Nadu Higher Secondary Educational Service, the prescribed qualification for the same being Master's Degree and Bachelor's degree in the same subject or its equivalent in respect of which recruitment is made and BT or B.Ed degree of a University in the State or a teaching degree of equivalent standard. He sought to ignore the prescription of Bachelor's Degree in the same subject since he had acquired Bachelor's Degree in other subject and having failed in the writ petition, he has come up with the present writ appeal.

4. On perusal of the order passed by the learned Single Judge, it is seen that the learned Single Judge has considered the issue on the basis of the Notifications and Government Order concerned and has rightly observed that the excellence in the same subject both in Bachelor's Degree and Master Degree is required and possession of Master Degree in one subject and Bachelor's Degree in any other subject cannot be considered for appointment to the post of Post Graduate Assistant.

5. It appears that the appellant/writ petitioner possesses Bachelor's Degree in Tamil and Master's Degree in Political Science. The scope for prescribing the qualification both Master's Degree and Bachelor's Degree in one and the same subject cannot be simply brushed aside. The learned Single Judge has also rightly observed that the rules framed by the State alone will prevail and there is no repugnancy in respect of Government of India notification as well as the State Rules.

6. The appellant, having skipped the basic qualification in one subject, cannot claim right to compete for appointment for a post, much less, a Teaching Profession for which the qualification prescribed is Master's Degree and Bachelor's Degree in one and the same and we cannot ignore the wisdom on the part of the authority who prescribes the qualification for the teaching faculty. The knowledge the appellant could have gained had he studied the Bachelor's Degree in the same subject

cannot be claimed to have been equated by possession of mere Master's Degree alone in the particular subject. We cannot sustain the claim made by the appellant based on his interpretation. Moreover, it appears that the appellant has not challenged the relevant notification or Government Order which prescribes the particular qualification and he has sought for a mandamus alone to accept his application and permit him to appear in the examination.

7. Therefore, we do not find any reason to interfere with the order passed by the learned Single Judge and the writ appeal sans merits. Accordingly, it is dismissed. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
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Fort St. George, Chennai 600 009.
4. The Director of School Education,
College Road, Chennai 600 006.

+1 cc to M/s.R.Lakshmi Ratan Advocate sr 74906
+1 cc to the Govt Pleader sr 75294

W.A.No.1163 of 2017

aa27/11/2017