

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.11.2017

CORAM

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

W.A.No.1357 of 2017
and
W.M.P.No.18750 & 18751 of 2017

1. The State of Tamil Nadu,
rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai 600 009.
 2. The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006.
- Appellants/Respondents

Versus

G.Veeramuthu Respondents/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 26.9.2016 passed in W.P.No.27600 of 2014 on the file of this court.

WP.NO.27600/2014

Petition Under Article 226 of the Constitution of India to issue writ of Certiorarified mandamus to call for the records of the 2nd respondent in his proceedings in RC. No.680/PG/LC/2014 dated 30.9.2014 and quash the same and consequently direct the respondents to appoint the petitioner in the Post of Post Graduate Assistant in Tamil with retrospective effect

For appellants : Mr.R.Prathapkumar, AGP
For respondent : Mr.N.A.Ravindran

JUDGMENT

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

Heard the learned Additional Government Pleader appearing for the appellants and Mr.N.A.Ravindran, learned counsel, who takes notice on behalf of the respondent.

2. The matter relates to eligibility of the respondent herein for appointment to the post Post Graduate Assistant (Tamil) for which he had applied with his educational qualification of M.A. (Tamil) and B.Ed. Considering that the respondent herein had completed both the above said courses simultaneously, his candidature was treated as ineligible by the appellants which was challenged before the learned Single Judge. Since the impugned order was set aside by the learned Single Judge, the present writ appeal has been filed.

3. Counter has been filed by the respondent wherein it has been clarified by the respondent herein that he had joined the M.A(Tamil) degree course during the year 2008-2009, but, subsequently, he discontinued the same in the academic year 2009-10 and joined the B.Ed., course and thereafter, re-joined and continued his M.A.(Tamil) degree in the academic year 2010-11 which is evident from the Transfer Certificate issued by the Annamalai University where he had done the M.A.(Tamil) Degree. This aspect has been appreciated by the learned Single Judge in detail. In a similar circumstances, a Division Bench of this court has held in W.A.No.866 of 2015(Dated 27.1.2017) that in the absence of any specific clause requiring the students to complete the 2 year Post Graduate course in two succeeding academic sessions, it will not be fair or reasonable to conclude that pursuing the Post Graduate Course of M.A.(English) by the writ petitioner therein in three academic sessions amounts to an improper or illegal exercise. Such being the case, no doubt, the case of the respondent has to be upheld.

4. However, we leave it open to the Government to take a decision in the matter by looking into the additional documents like Transfer Certificates produced by the respondent to substantiate that he had not done both the courses simultaneously and take a decision within a period of two months from the date of receipt of a copy of this judgment. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Principal Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai 600 009.
2. The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006.

+1cc to Mr.N.A.RAVINDRAN Advocate, S.R.No. 80285/17

+1cc to the Government Pleader, S.R.No. 80544/17

W.A.No.1357 of 2017

VGI (CO)
TR(21/11/2017)



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