

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06-01-2017

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
AND

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.6640, 8562, 13405, 13885, 14032,14033, 14157, 14186 and
14048 of 2014

And connected W.M.Ps.

M.Kalaiselvi ... Petitioner in WP.6640 of 2014
T.Vijayalakshmi ... Petitioner in WP.8562 of 2014
R.S.Geethapriya ... Petitioner in WP.13405 of 2014
1.S.Kaleesvari
2.K.Kothai
3.S.Arockia Sumitha ... Petitioners in WP.13885 of 2014
E.Thanigai Arasu ... Petitioner in WP.14032 of 2014
S.Vadivu ... Petitioner in WP.14033 of 2014
G.Nirmala ... Petitioner in WP.14157 of 2014
Maharaja College of Education
(College Code No.10711)
Rep.by its Principal,
Erode Road,
Perundurai 638 052. ... Petitioner in WP.14186 of 2014
P.Usha ... Petitioner in WP.14048 of 2014
vs.

1.THE GOVERNMENT OF TAMIL NADU
REP. BY THE SECRETARY
MINISTRY OF COLLEGE EDUCATION
CHENNAI.

2.THE CONTROLLER OF EXAMINATION
TAMIL NADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGDON COLLEGE CAMPUS
KAMARAJAR SALAI
CHENNAI - 600 005

3.THE REGISTRAR
TAMIL NADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGDON COLLEGE CAMPUS
KAMARAJAR SALAI
CHENNAI - 600 005

4. THE PRINCIPAL

OUR LADY COLLEGE OF EDUCATION
COLLEGE CODE NO.10214
OUR LADY NAGAR MADURAVOYAL
CHENNAI - 600 095

... Respondents in WP.6640 of 2014

1. THE TAMIL NADU TEACHERS EDUCATION UNIVERSITY

REP. BY ITS REGISTRAR
LADY WELLINGTON COLLEGE CAMPUS
KAMARAJAR SALAI CHENNAI-5.

2. JAYAM COLLEGE OF EDUCATION

REP. BY ITS PRINCIPAL KELPENNATHUR
THIRUVANNAMALAI DISTRICT-604 601

... Respondents in WP.8562 of 2014

1. THE REGISTRAR

TAMILNADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGTON COLLEGE CAMPUS
KAMARAJAR SALAI CHENNAI 5

2. THE CORRESPONDENT/PRINCIPAL

SWAMINATHAN SARAWATHI COLLEGE OF
EDUCATION OF WOMEN
MASINAYAKANPATTY
AYOTHIYAPATTANAM, SALEM 636 103

... Respondents in WP.13405 of 2014

1. THE GOVERNMENT OF TAMILNADU

REP. BY THE SECRETARY
MINISTRY OF COLLEGE EDUCATION
CHENNAI.

2. THE CONTROLLER OF EXAMINATIONS

TAMIL NADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGTON COLLEGE CAMPUS
KAMARAJAR SALAI CHENNAI-5.

3. THE REGISTRAR

TAMIL NADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGTON COLLEGE CAMPUS
KAMARAJAR SALAI CHENNAI-5.

4. THE PRINCIPAL

RANGASWAMY COLLEGE OF EDUCATION
5 NEHRU STREET SENTHIL NAGAR
THIRUMULLAIVOYIL CHENNAI-62.

... Respondents in WP.13885 of 2014

1. THE REGISTRAR

TAMIL NADU TEACHER EDUCATION UNIVERSITY
LADY WILLINGTON COLLEGE CAMPUS
CHEPAUK CHENNAI-5.

2.THE CONTROLLER OF EXAMINATION
TAMIL NADU TEACHER EDUCATION UNIVERSITY
LADY WILLINGTON CAMPUS
CHEPAUK CHENNAI-5.

3.BKR COLLEGE OF EDUCATION
GRT MAHALAKSHMI NAGAR
CHENNAI-TIRUPPATI HIGHWAY
TIRUTTANI-631 209
REP. BY ITS PRINCIPAL.

... Respondents in WP.14032 of 2014

1.THE GOVERNMENT OF TAMILNADU [RESPONDENT]
REP. BY THE SECRETARY
MINISTRY OF COLLEGE EDUCATION CHENNAI

2.THE CONTROLLER OF EXAMINATION
TAMILNADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGDON COLLEGE CAMPUS
KAMARAJAR SALAI CHENAI-5

3.THE REGISTRAR
TAMILNADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGDON COLLEGE CAMPUS
KAMARAJAR SALAI CHENNAI-5

4.THE PRINCIPAL
VADARANYAM COLLEGE OF EDUCATION (B.ED.)
NO.1/190 ATHIGATHUR ROAD KADAMBATHUR
TIRUVALLUR TALUK & DIST. PIN 631 203

... Respondents in WP.14157 of 2014

TAMILNADU TEACHERS EDUCATION UNIVERSITY
LADY WILLINGDON COLLEGE CAMPUS
KAMARAJAR SALAI CHENNAI 5

... Respondent in WP.14186 of 2014

1.THE SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT
FORT ST. GEORGE CHENNAI 600 009.

2.TAMILNADU TEACHER EDUCATION UNIVERSITY
REP. BY ITS REGISTRAR
KAMARAJAR SALAI CHENNAI 600 005.

3.THE CONTROLLER OF EXAMINATIONS
TAMILNADU TEACHER EDUCATION UNIVERSITY
KAMARAJAR SALAI CHENNAI 600 005.

4.K.R.P. COLLEGE OF EDUCATION
REP. BY ITS PRINCIPAL
SANKARI WEST PACHAMPALAYAM
NANNAL DISTRICT 637 303.

<https://hcservices.ecourts.gov.in/hcservices/>

... Respondents in WP.14048 of 2014

Writ Petitions filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to provisionally approve the admission of the petitioners in B.Ed/M.Ed. Degree Courses for the year 2013-14 in the respondent-College and consequently direct the respondents to include the name of the petitioners in provisionally approved list of B.Ed./M.Ed. Candidates released and pass orders.

For petitioners : Ms. R. Gouri in WP.Nos.6640, 13885 & 14157 of 2014
Mr.S.Nedunchezhiyan in WP.14032 & 14033 of 2014
Mr.Kandan Duraisamy in WP.14186 of 2014
Mr.S.Udayakumar in WP.8562 of 2014
Mr.S.Thirumavalavan in WP.14048 of 2014
Mr.G.Ilangovan in W.P.13405 of 2014

For respondents : Mr. Venkataramani,
Additional Advocate General
for the Tamil Nadu Teachers Education
University, assisted by
Mr. U. Venkatesan
Mr.P.S.Sivashanmugha Sundaram,
Special Government Pleader for
The Government of Tamil Nadu
in all petitions
No appearance for the respective College

COMMON ORDER

(ORDER OF THE COURT WAS DELIVERED BY HULUVADI G. RAMESH,J.)

The petitioners in these writ petitions are the candidates who have joined the B.Ed and M.Ed. Degree Courses in the respective respondent-College for the academic year 2013-2014. They are candidates who have completed 10th, +2 and Three Years Under Graduation; 10th, Diploma and Three years Under Graduation; 10th, +2, Under Graduation and Post Graduation in similar and different subjects. To the shock and surprise of the petitioners, the admission of the petitioners in their respective B.Ed/M.Ed Degree Courses at the respective Colleges was not approved by the Registrar, Tamil Nadu Teachers Education University for the said academic year and their names do not appear in the provisionally approved candidates' list. It is the case of the petitioners that they have fulfilled the eligibility criteria as provided under G.O.Ms.No.121, Higher Education (G-1) Department, dated 14-07-2013 and they have spent a large amount of money to complete the said courses. The petitioners would further state that they have completed the said Course and also the training practice. Further, the petitioners have been intimated only by their College and not by the Tamil Nadu Teachers Education University, and that too, only at the time of appearing for the practical examination, that their admission has not been approved by the Tamil Nadu Teachers

Education University and they have to take the examination at their own risk. The petitioners are put to irreparable loss and hardship. In these circumstances, the petitioners have moved this Court with the present writ petitions.

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

3. Prima facie, it appears that, pending writ petitions, by virtue of the interim orders of this Court, the petitioners have pursued their B.Ed/M.Ed Degree courses and this Court has also permitted them to take up their examinations and results have also been declared.

4. The learned counsel appearing for the petitioners submitted that having regard to the subject in which the petitioners have studied in the Guidelines at Para (I), out of 18 subjects, there is no dispute if the petitioners have studied the subjects from Code No.1 to 10. However, insofar as the Subject Code Nos.11 to 18 are concerned, only candidates who are P.G. Degree holders can opt for. However, at Para No.vii and Note (b) it is stated that their eligibility is based upon the marks obtained in U.G. Degree, which has been specified as 50% for OC, 45% for BC, 43% for MBC/DNC and 40% for SC and the marks obtained by them in PG Degree will not be taken into account for the said admission. The candidates who have obtained the requisite qualification in Under Graduation provided they have pursued the Post Graduation in the same subject and obtained marks at 50%, are eligible for B.Ed Courses. On a conjoint reading of both the Clauses in the said Guidelines, the very stand taken by the petitioners is the admission in the said course is based on the marks obtained by the petitioners in their Under Graduation Course. It is not a dispute in whatever subjects they have studied as the marks obtained by the petitioners in their Post Graduation Course is not at all considered and it is simply stated that even in Subject Codes.11 to 18, their completion of Post Graduation is enough. Thus the Guidelines is not clear as to why the Post Graduation has been introduced in the Eligibility Criteria. In such circumstances, the authorities have admitted the petitioners in the B.Ed./M.Ed, Courses. The learned counsel for the petitioners would thus pray that the admissions of the writ petitioners in their respective B.Ed./M.Ed. Degree Courses may kindly be approved.

5. The stand taken by the learned Additional Advocate General is that at the time of admission, since most of the petitioners are suffering from disqualifications their admissions were not approved and as such submits that the admissions cannot be approved despite their passing the said one year course on the ground that in the Guidelines in Note (a) and (b) it is stated that the Marks obtained by the candidates in the U.G. Degree Course (other than Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture) alone shall be taken into account and the marks obtained by them in their respective P.G. Degree shall not be considered for admission. The learned Additional Advocate

General would rely upon the judgment reported in Chairman, Bhartia Education Society & Anr. Vs. State of Himachal Pradesh (Civil Appeal No.1227 of 2011). However, in that case the affiliation of the Institution was in question and not the Guidelines for admission in a said course. Further, the learned Additional Advocate General would submit that the candidates holding Diplomas and subsequent Degrees will also not be considered, for admission.

6. The learned Additional Advocate General relied upon a decision dated 02-09-2014 of the learned Single Judge in W.P. (MD).No.15722 of 2013 (B. Maharajan Vs. The Registrar, Tamil Nadu Educational University) wherein a learned Single Judge dismissed the writ petition stating that weightage of four marks for PG cannot be granted for a candidate possessing PG Degree other than subjects Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture and minimum mark in PG is mandatory.

7. These writ petitions are specially ordered to be listed before this Bench as the issues raised in these writ petitions relate to the interpretation of the relevant clauses in the Government Order, in G.O.Ms. No.121, Higher Education (G-1) Department, dated 04-07-2013, but in somewhat different facts. Thus, we propose to dispose of these writ petitions by this common order. Before we delve into the real controversy arising for consideration of the Court in the present case, it will be necessary for the court to refer to the Guidelines for admission in the said Course, referred to in the said G.O., and also the Tamil Nadu Teachers Education University's Regulation.

8. The relevant portion of the Guidelines for admission to B.Ed. Courses for the year 2013-2014 and the Tamil Nadu Teachers Education University's Regulation are extracted hereunder:

"GUIDELINES FOR ADMISSION TO B.ED. COURSES FOR THE YEAR 2013-14
Subjects offered under B.Ed. Programme:

1.The following optional subjects are being offered under B.Ed Course in Government/Government Aided/Self-financing Colleges of Education:

Subject Code No.	Optional Subject
01	Tamil/Urdu in Self-Financing Colleges only
02	English
03	Maths
04	Physical Science (Physics)
05	Physical Science (Chemistry)
06	Biological Science (Botany)
07	Biological Science (Zoology)
08	History

Subject Code No.	Optional Subject
09	Geography
10	Computer Science
11	Home Science
12	Economics
13	Commerce
14	Political Science
15	Sociology
16	Psychology
17	Logic
18	Indian Culture

P.G. Degree holders only can opt for subjects mentioned against Sl.Nos.11 to 18.

....

II (vii)

(h) Post Graduate candidates in Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture with 50% (irrespective of their UG marks) of marks in PG Degree or in the interdisciplinary subjects which are being declared equivalent, by the respective University can apply.

(i) The candidate qualified in PG Degree and secured 50% of marks with the same major subjects in UG Degree but not fulfilling the minimum percentage of marks required in UG Degree as per community/category-wise will be eligible.

...

viii) Candidates with the following marks in the Bachelor's Degree are eligible for admission to the course other than Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture subjects for which PG qualification is mandatory.

COMMUNITY/CATEGORY	MINIMUM MARKS
OC	50%
BC	45%
MBC/DNC	43%
Sc	40%

Note (a) Marks obtained by the candidates in the U.G. Degree Course Part III/IV Major and Allied including Practical (other than subjects Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture) alone shall be taken into account to arrive at the percentage of marks mentioned above.

a(I) Marks obtained by the candidates in UG Degree under Part IV-Elective/Allied/Extra Disciplinary Subjects shall also be taken into account to arrive at the percentage of marks mentioned above. Marks obtained under Part V subjects shall not

be taken into account to arrive percentage of marks.

B) Marks obtained by the candidates in P.G. Degree (other than Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture) shall not be considered for admission.

....

V. Rank Listing.

...

2i) Weightage for the highest qualification of the candidate will be given as follows and added to the base mark for the Ranking. However, minimum mark mentioned in the Para II (viii) is mandatory.

Candidates with PG - 4 marks

Candidates with Mphil. - 5 marks

Candidates with Ph.D. - 6 marks

TAMILNADU TEACHERS EDUCATION UNIVERSITY

DEGREE OF BACHELOR OF EDUCATION (B.Ed.)

(FOR THE PROGRAMME IN COLLEGES OF EDUCATION- FULL-TIME AND
REGULAR PRE-SERVICE TEACHER EDUCATION)

REGULATIONS

(With effect from the academic year 2013-14)

1.ELIGIBILITY FOR ADMISSION TO THE COURSE

....

(iii) However, the candidates not qualified in XII examination or PUC but possessing Two years Bachelor Preparatory Programme Certificate/Two Years Foundation Course Certificate/Two Years Diploma Course conducted by State Government/recognized Universities and qualified with three years UG Degree course are also considered to be eligible for admission."

... (Emphasis supplied)

9. The point for consideration before us is as follows:

(i) whether the admission of the writ petitioners in the B.Ed., or M.Ed., Degree Courses can be approved because of the fact that the Guidelines given as per G.O.Ms.No.121, Higher Education (G1) Department dated 04-07-2013 is not clear as to the Eligibility Criteria and runs contrary?

(ii) Whether the admission of the candidates in 10 +3 +3 pattern ie., the Diploma Holders can be approved or not?

(iii) Whether the PG Degree holders should be given priority or not? and

(iv) Whether the above questions will still survive at this point of time when the petitioners have completed their Course and their examinations results have also been declared and they are at the fag end of receiving the Certificates ?

10. At the outset, this Court is of the view that the students who were admitted on the strength of the interim order made by this Court were perhaps led to believe that this Court would approve their admissions. We consider, therefore, that it may not be proper to drive them to street if they have undergone the prescribed course with the necessary syllabi and other matters relating thereto, upto the declaration of the results.

However, this can also not be rendered by just considering their state of affairs.

11. The Guidelines for admission runs contrary and at one point it says PG marks will not be taken into consideration and at another place it says qualifying 50% PG marks with the same major subjects in UG Degree but not fulfilling the minimum percentage of marks required in UG Degree as per Community/category-wise will be eligible. If point (h) and (i) should be read harmoniously and if it is applicable for the candidates whose subjects are Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture only, then some reference should have been made. Thus, II (vii) (i) and Note (b) run contrary to each other.

12. Further, the petitioners who are basically 10th and Diploma Holders with an under graduation are also permitted to apply. This is vivid from a reading of the Regulations of the Tamil Nadu Teachers Education University, which states that the candidates who are not qualified in XII examination or PUC but possessing Two years' Bachelor Preparatory Programme Certificate/Two Years Foundation Course Certificate/Two Years Diploma Course conducted by State Government/recognized Universities and qualified with three years UG Degree course are also considered to be eligible for admission. Since the petitioners who have completed the Diploma Courses and also their Under Graduation/Post Graduation i.e., 10+3+3 pattern have applied for M.Ed. Courses their admissions are also eligible to be approved.

13. Since the writ petitioners are found to be satisfying the eligibility conditions, this Court directs the respondents to approve their admissions and since their results have also been declared, to handover the necessary certificates within a period of two months, from today. The Government and the University must, therefore, take care to see that inadequate interpretation of the Government Order is not compounded by any extraneous consideration and to set right the Guidelines with great significance, if it is so advised.

14. The issues raised in these writ petitions are answered, accordingly.

15. Before parting with the case, we would like to add something more. The teacher is the 'social engineer' in the educational system. He is a principal instrument in awakening the child to cultural values. He needs to be endowed and energised with needed potential to deliver enlightened service expected of him. His quality should be such as would inspire and motivate into action the benefitter. He must eliminate fissiparous tendencies and attitudes and infuse nobler and rational ideas in young minds. His involvement in national integration is more important, indeed indispensable. Therefore, such teacher should be selected and admitted and should be subjected to rigorous training with rigid scrutiny of efficiency. The Government/University must take note of this need of the day and should act accordingly.

16. Accordingly, the writ petitions are allowed. However, there will be no order as to costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

glp

To

- 1.The Secretary
Government of Tamil Nadu
Ministry of College Education
Chennai.
- 2.The Controller of Examination
Tamil Nadu Teachers Education University
Lady Willingdon College Campus
Kamarajar Salai
Chennai - 600 005
- 3.The Registrar
Tamil Nadu Teachers Education University
Lady Willingdon College Campus
Kamarajar Salai
Chennai - 600 005.
- 4.The Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai 600 009.

+1cc to Mr.G.Ilangovan, Advocate, S.R.No.2301
+1cc to Dr.R.Gouri, Advocate, S.R.No.2122
+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.1927
+2cc's to Mr.G.Sankaran, Advocate, S.R.No.1911

W.P.Nos.6640, 8562, 13405, 13885, 14032,
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And connected W.M.Ps.

PA(CO)
CA(06/02/2017)