

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2017

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.12097 of 2014

N.Jothi ... Petitioner
-Vs-

1. Tamil Nadu Teachers Education University,
Rep. by its Registrar,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai - 600 005.
2. The Best College of Education,
Represented by its Principal,
Sevagoundanur,
Periyapuliur Post,
Bhavani Taluk,
Erode District. Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first Respondent to approve the candidature of the petitioner herein who has undergone the B.Ed., Degree course during the academic year 2013-2014 in the second Respondent College in view of the specific guidelines issued by the Government in G.O.Ms.No.121, Higher Education (G1) Department dated 04.07.2013.

For Petitioner : Mr.K.Soundararajan
For Respondents : Mr.U.Venkatesan for R1
Mr.S.Ambigapathy for R2.

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the first respondent to approve the candidature of the petitioner herein, who has undergone B.Ed. degree in the academic year 2013-14, in the second respondent college, in view of the specific guidelines issued by the Government in G.O.Ms.121, Higher Education (G1) Department, dated 04.07.2013.

2. The petitioner had passed B.A., English Degree, in Government Arts College, Salem in the year 2008, with 42% of marks. Subsequently, the petitioner had joined M.A. degree in Annamalai University and completed the same in the year 2011 with 55% of marks. During the academic year 2013-14, she had applied for B.Ed. course and she has completed the academic year by attending the classes regularly. When the petitioner was about to write her examinations, her hall ticket was not issued as her admission was not provisionally approved. The second respondent was not approved the name of the petitioner, since the petitioner got 42% in B.A. degree even though she had secured 55% in the post graduate. Immediately, the petitioner sent a representation dated 18.02.2014 to the second respondent requesting him to consider her case. There was no response from the second respondent. Subsequently, on instructions from the first respondent, the second respondent permitted the petitioner to write the examinations on 24.02.2014 and 25.02.2014 after getting an undertaking from the petitioner.

3. The petitioner further stated that there is a Government Order in G.O.Ms.No.121, Higher Education(G1) Department, dated 04.07.2013 which prescribes the various procedures for admitting the students in B.Ed., Degree in the academic year 2013-14. As per the Annexure to the said Government Order, in Clause (vii) (i), the qualification for admitting the students for the B.Ed., Course has been stated as follows.

"(i) The candidates 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."

4. Even a bare reading of the above said clause, makes it clear that the students, who have not secured the minimum marks in U.G. degree and got 50% in P.G. degree are eligible for admission in B.Ed Course. As per the said condition, the petitioner is very well eligible to continue the course and the respondents have to necessarily approve her candidature. Therefore, she approached this Court for getting an order in her favour.

5. The another clause in the said G.O. also speaks about the eligibility for the admission of B.Ed course which reads as follows :-

"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 UG 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)

(b) Marks obtained by the candidates in PG Degree (Other than subjects Economics, Commerce, Home Science, Political Science, Sociology, Psychology, Philosophy, Logic and Indian Culture) shall not be considered for admission."

6. Clause (viii) of the Annexure of the said G.O., indicates that for the candidates who did their PG degree in different subjects other than the subjects in the UG degree, the marks obtained in the PG degree would not be taken into consideration for the purpose of admission to the B.Ed. Course. In that circumstances, the marks obtained in the UG degree alone would be taken into consideration for the purpose of admission to B.Ed. Course. However, in the case of the petitioner, it would not be applicable, since the petitioner had taken English as subject both in UG and PG degree. The petitioner has also secured 50% marks in the PG degree which entitled her for admission in the B.Ed., course.

7. The learned counsel appearing for the first respondent-University concedes that clause vii(i) is applicable to the petitioner and she is eligible for admission to the B.Ed degree course. The petitioner was permitted to write the examination by virtue of the earlier order of this Court. However, the results have been withheld. Now the petitioner is eligible for admission with the required qualifications as per the G.O. Hence there is no impediment for the University to publish the results of the petitioner.

8. Accordingly, the University is directed to publish the results of the petitioner forthwith. Further, it is stated that the petitioner has also completed the B.Ed., course. Therefore, the admission given by the second respondent is valid. Hence, the admission given to the petitioner to the B.Ed course is declared as valid and the results may be published forthwith.

9. With the above observations, the writ petition is disposed of. No direction as to costs.

s/d-
Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

rts/ggi

To

1. The Registrar,
Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai - 600 005.
2. The Principal,
Best College of Education,
Sevagoundanur,
Periyapuliyur Post,
Bhavani Taluk,
Erode District.

+1 CC to Mr.K. Soundarrajan, Advocate sr 40503
+1 CC to Mr.U.Venkatesan , Advocate sr 40458

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