

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2017

C O R A M

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.14819 of 2017
and WMP.No.16061 of 2017

Dr.C.Manikandan

... Petitioner

Versus

1. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road,
Chennai - 600 006.
2. The Member Secretary,
Teachers Recruitment Board,
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

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of 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 Petitioner ... Mr.R.Lakshmi Ratan

For Respondents ... Mr.K.Venkataramani
AAG -VII Assisted by
Mr.K.Dhanajeyan
Special Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to the respondents to accept the application of the petitioner and to permit him to appear in the examination.

2. The examination is relating to the post of Post Graduate Assistant in School Educational Service, Tamil Nadu Higher Secondary Educational Service. The sole point to be considered in this writ petition is that whether the writ petitioner is qualified for appointment to the post of Post Graduate Assistant or not.

3. The learned counsel for the petitioner strenuously contended that the writ petitioner is qualified, in view of the fact that the writ petitioner is possessing the qualification of M.A. Political Science and B.Ed., therefore he is very well qualified for the post of Post Graduate Assistant. To substantiate this ground, the learned counsel for the writ petitioner relied upon the notification issued by the National Council for Teacher Education dated 03.09.2001. Regulation 2 of the said Regulations reads as follows :

These Regulations shall be applicable for recruitment of teachers in all formal schools established, run or aided or recognised by Central or State Government and other authorities for imparting education at pre-school, nursery followed by first two years in formal school, elementary (primary and upper primary/middle school), secondary and senior secondary stages.

4. Regulation 6-V stipulates qualification for Senior Secondary /PUC/Intermediate Standards, which reads as follows:

V.Senior Secondary/PUC/Intermediate	Master's Degree in the relevant subject with Bachelor of Education (B.Ed) or its equivalent. OR Two years' integrated M.Sc.Ed. Course or an equivalent course.
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5. Relying on the above regulations issued by the National Council for Teachers Education, the learned counsel for the petitioner urged this Court by stating that it is sufficient if

the petitioner possesses the Master's degree in the relevant subject and there is no question of relevancy in respect of the Bachelor's Degree. Admittedly, the writ petitioner has completed Bachelor's degree in Tamil (B.A.,) and Master's degree in Political Science (MA) and B.Ed also.

6. The learned Additional Advocate General opposed the contention raised by the writ petitioner on the ground that, as per the State rules, the Government issued G.O.Ms.No.361 School Education Department dated 31.12.1999 in respect of Special Rules for the Tamil Nadu Higher Secondary Educational Service with amendments. Pursuant to the amended rule, the qualification for direct recruitment to the post PG Assistant in academic subjects is extracted as below:

Direct Recruitment	(i) Must have obtained a Master's degree and Bachelor's degree in the same subject or its equivalent in respect of which recruitment is made and (ii) BT or B.Ed degree of a University in the State or a teaching degree of equivalent standard.'
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7. Thus, it is mandatory that a candidate who is aspiring for the post of Post Graduate Assistant should possess the qualification of Bachelor's Degree and Master's Degree in the same subject. The very purpose is that the teacher requires an excellence in both the degrees in a single subject. Further, a candidate who has completed regular studies alone is entitled for recruitment to the post of Post Graduate Assistant. Teaching is a profession and every teacher has to teach the very same subject to the students. Thus excellence in that subject is required. Therefore, the recruitment to the post of Post Graduate Assistant cannot be compared to other posts in other departments. There is a specific reason in prescribing the same subject for basic degree as well as master degree, as far as the appointment to the post of Post Graduate Assistant in teaching line is concerned. Hence, there is no error in prescribing the same subject both for the basic degree and for the master's degree for recruitment to the post of Post Graduate Assistant.

8. Let us now look into the Government of India notification issued by National Council of Teaching Education on 04.09.2002. It merely stipulates a master's degree in the relevant subject with B.Ed., or its equivalent. This cannot be interpreted as if the petitioner is not required to possess the Degree and Master's Degree in the same subject. In other words, the candidate possessing basic degree in one subject and possessing master's degree in another subject cannot be considered for appointment to the post of Post Graduate Assistant. On a reading of the notification issued by the Government of India, this Court is

not inclined to accept the contention of the petitioner that the candidates possessing basic and master's degree in different subjects also can be considered for appointment to the post of Post Graduate Assistant, in the absence of any specific rules in this regard. The rules framed by the state will alone prevail and there is no rebugnancy in respect of the Government of India notification as well as the State rules. Hence this Court is of the opinion that the writ petitioner is not qualified for recruitment to the post of Post Graduate Assistant under the Special Rules for Tamil Nadu Higher Secondary Educational Service issued by the State Tamil Nadu. Hence the writ petition is devoid of merits and stands dismissed. Connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Chairman,
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Fort St.George, Chennai - 600 009.
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College Road, Chennai - 600 006.

+1 cc to Mr.R.Lakshmi Ratan Advocate sr 46534
+1 cc to the Government Pleader sr 46649

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