

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2017

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

W.P.No.25925 of 2017

and

W.M.P.Nos.27469 & 27470 of 2017

1.M.Maruthachalam

2.K.Prakash

..Petitioners

Vs.

1. The State of Tamil Nadu
Rep by its Secretary to Government
Higher Education Department
Fort St. George
Chennai - 600 009.
2. Director of School Educational
DPI Complex, College Road
Chennai - 600 006.
3. Teachers Recruitment Board
Rep by its Member Secretary
4th Floor, EVK Sampathmaaligai
DPI Compound, College Road
Chennai - 600 006.
4. Tamil Nadu Teachers Education University
Lady Willingness College Campus
Kamarajar Salai, Chennai - 600 005.
5. The National Council for Teacher Education
Rep by its Member Secretary
Hans Bhawan, Wing II, 1, Bahadur Shah Zafar Marg
New Delhi - 110 002
6. Vinayaka Missions University
[Formerly Vinayaka Mission's
Research Foundation Deemed University]
[Annapoorna College of Education]
University Office
NH-47, Sangagiri Main Road
Ariyanoor, Salem.

7. Equivalence Committee
Tamil Nadu State Higher Education Council
Rep by its Vice Chairman
Lady Wellington College Campus
Kamarajar Salai
Triplicane, Chennai - 600 005.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the G.O.Ms.No.3, Higher Education [K2] Department dated 05.01.2016 holding that the B.Ed. degree course offered by the 6th respondent University is not equivalent to B.Ed. of the 4th respondent University is applicable only to the 2 year B.Ed degree course offered by the 6th respondent University from the academic year 2015-16 onwards and not to one year B.Ed. degree course offered by the 6th respondent and consequently direct the 3rd respondent to call the petitioners for counselling for the respective subjects as per the provisional selection list of candidates published by the 3rd respondent after certificate verification for direct recruitment of Post Graduate Assistants for the year 2016-17 and allot the PG Assistants posts in the respective subjects to the petitioners.

For Petitioners : Mrs.Nalini Chidambaram
Senior Counsel
For Ms.C.Uma
For Respondents : Mr.K.Venkataramani
Assisted by
Mr.T.M.Pappiah [For R1, R2 & R3]
Special Government Pleader
Mr.U.Venkatesan [For R4]
Mr.J.Vasu [For R5]
Mr.Parthasarathy [For R6]

सत्यमेव जयते
O R D E R

The petitioners have passed 1 year B.L. degree holder from the 4th respondent University before 2015. However the Government issued G.O.Ms.No.3, Higher Education [K2] Department dated 05.01.2016 by which the State Government decided to accept the recommendation of the 57th Equivalent Committee Meeting held on 17.11.2015 and declared that B.Ed., degree awarded from Vinayaka Mission University is not equivalent to B.Ed., degree offered by Tamil Nadu Teachers Education University. In view of that the petitioners are not eligible for the post of P.G. Assistant in the Government Schools in Tamil Nadu by the 3rd respondent and therefore challenging the said G.O. the petitioners have come before this Court.

2.Heard Mrs.Nalini Chidambaram, learned Senior Counsel appearing for the petitioner and Mr.K.Venkataramani, learned Additional Advocate General Assisted by Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondent Nos.1, 2 and 5 and Mr.U.Venkatesan, learned counsel appearing for the 3rd respondent and Mr.Parthasarathy, learned counsel for the 4th respondent.

3.The petitioners have applied for the post of P.G. Assistant in Government Higher Secondary Schools for the year 2016-17 and they apprehend that they would not be considered for the appointment in view of G.O.Ms.No.3, High Education Department dated 05.01.2016.

4.It is seen that persons similarly placed like that of the petitioners have already approached this Court and this Court in W.P.No.25018, 25205 & 25206 of 2017 by order dated 30.11.2017 granted relief holding that G.O.Ms.No.3, Higher Education Department dated 05.01.2016 is not applicable to the degrees obtained from Vinayaka Mission University and the petitioners therein are qualified to be appointed.

5.Paragraph No.11 is extracted as follows:-

"11.One more interesting point is that Tamil Nadu Teachers Education University itself has been established only in the year 2008, whereas Vinayaka Missions University got approval from NCTE in the year 2007 itself and they have been admitting students from the year 2007 onwards. Subsequent regulation or G.O., cannot disqualify validly obtained degrees granted by an NCTE approved institution. Moreover, as rightly pointed out by the learned Senior counsel, the Hon'ble Supreme Court in Suresh Pal and others Vs. State of Haryana and others reported in (1987) 2 Supreme Court Cases 445, has held that based on the subsequent order, the recognition of the institution would not affect the students who have been admitted in the college, when the recognition was in force. Similarly, the petitioners had obtained valid degrees before G.O.Ms.No.3, Higher Education (K2) Department, dated 05.01.2016, and the new NCTE regulation came into force. In view of the above, this Court holds that G.O.Ms.No.3, Higher Education (K2) Department, dated 05.01.2016, which declares that B.Ed degree awarded by Vinayaka Mission University as not equivalent to B.Ed conferred by Tamil Nadu Teachers Education University would be applicable only from the year 2015-2016 and not before that, especially in respect of the petitioners."

6.Since this Court has held that G.O.Ms.No.3, Higher Education (K2) Department, dated 05.01.2016 is not applicable to the degrees obtained from Vinayaka Missions University and the petitioners are said to have obtained valid degrees, they are qualified to apply making use of the degree obtained.

7.With the above direction the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

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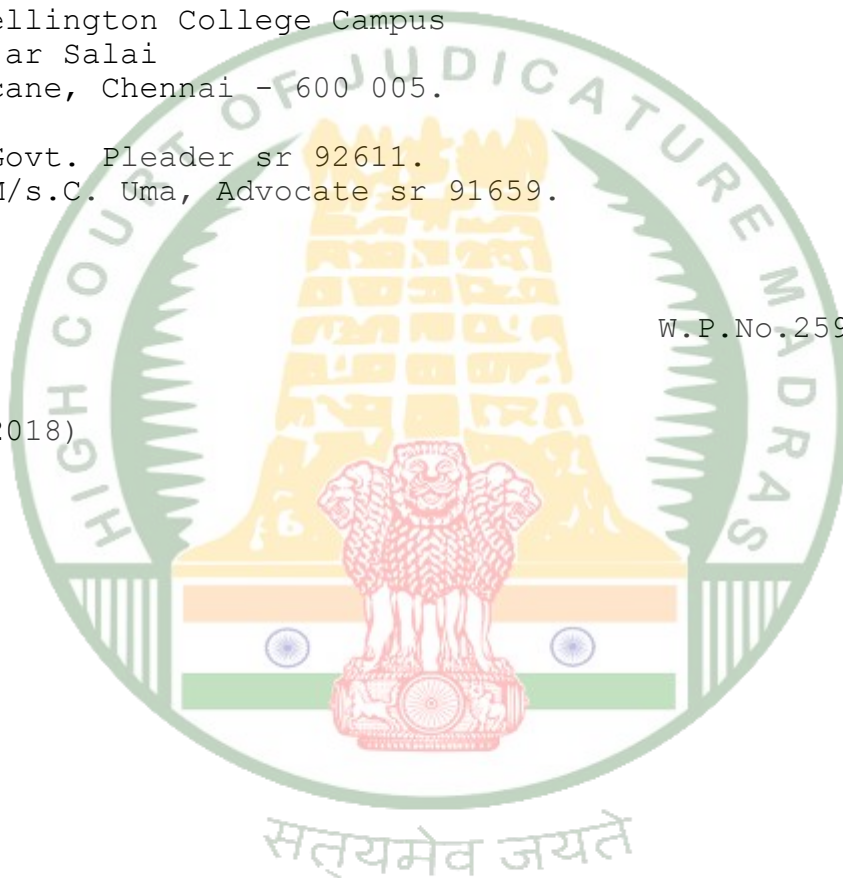
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+1 CC to Govt. Pleader sr 92611.

+1 Cc to M/s.C. Uma, Advocate sr 91659.

W.P.No.25925 of 2017

KAN(CO)
SP(19/01/2018)



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