

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.12 of 2013

And

M.P.No.1 of 2013

V.Mohananaruba

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Educational Department,
Fort. St. George,
Chennai - 9.

2.The Chairman,
Teachers Recruitment Board (TRB)
College Road,
Chennai - 6.

3.The Director of School Education,
College Road,
Chennai - 6.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the Respondents to select and appoint the Petitioner as B.T. Assistant (Mathematics) on the basis of the passing of Teachers Eligibility Test held on 14.12.2012.

For Petitioner : Mr.Ramesh Venkatachalapathy
For Respondents : Mr.A.Zahir Hussain
Government Advocate

ORDER

The prayer in the Writ Petition is for a Writ of Mandamus directing the respondents to select and appoint the petitioner as B.T.Assistant (Mathematics) on the basis of the passing of Teachers Eligibility Test held on 14.10.2012.

2.The case of the petitioner is that the petitioner belongs to Backward Community. She had completed her school education in the year, 2004 and thereafter, in the year, 2006, she joined in Bachelor of Science Degree at Shri Venkateswara University, which is a three year Degree Course. She has completed the said Degree during the academic year 2006-07, 2007-08 and 2008-09 and after having successful in her UG degree, she also joined Bachelor of Education Course under the Tamil Nadu Teacher Education University affiliated College, where also she became successful and the said University had also given the certificate of Bachelor of Education in the year, 2011. Therefore, the petitioner's case is that, she is having the qualification of B.Ed., as well as B.Sc., Degree. With that qualification, she also participated and written the Teachers Eligibility Test conducted by the second respondent.

3.The further the case of the petitioner is that after having written the said examination, where she became successful, the petitioner was called for certificate verification and she also attended the said certificate verification session where all her certificates and credentials were verified by the Authorities concerned and thereafter when the petitioner was expecting an order for selection to the post of Teacher, the petitioner's name has not been selected and according to the petitioner, the reason given by the second respondent/ Teachers Recruitment Board, for non selection of the petitioner is that the petitioner's UG Degree namely, B.Sc. Degree was only a two years Degree. Therefore, in that context only the petitioner has come out with the present Writ Petition with the aforesaid prayer.

4.Heard both sides.

5.Mr.Ramesh Venkatachalapathy, the learned counsel appearing for the petitioner would contend that the only objection raised by the second respondent for not selecting the candidature of the petitioner is that the petitioner's basic UG Degree is not the three years Degree and it is only a two years Degree.

6.Further, the learned counsel appearing for the petitioner submits, that the fact remains that the petitioner's Degree is not the two years Degree, in fact, it is a three years UG Degree and in this regard, each year's mark statements given by the Sri Venkateswara University, Thirupathi, for I year, II Year and III Year respectively, had been produced by the petitioner for the perusal of the respondents, including the Degree of Bachelor of Science certificate issued by the said University dated 1st July, 2011. All those certificates infact, were perused and accepted by the Authorities at the time of certificate verification and in fact, there was no doubt raised by the Authorities who verified the certificates of the petitioner.

7.The learned counsel appearing for the petitioner would also submit that on the strength of the said UG degree, the petitioner also subsequently, joined in B.Ed. Degree and she has also become successful in completing the B.Ed. Degree and to that effect, the concerned University namely, Tamil Nadu Teachers Education University has issued Degree of Bachelor of Education on 08.02.2011. Inspite of these factors, the learned counsel appearing for the petitioner would submit that the respondents especially, the second

respondent has omitted to select the candidature of the petitioner for the alleged reason that the petitioner's Degree i.e., UG Degree is only a two years Degree.

8. Therefore, the learned counsel appearing for the petitioner submits that the petitioner since would be entitled to get selected, a suitable direction as has been prayed herein may be issued to the respondents.

9. The learned counsel appearing for the petitioner would also submit that reiterating the said factors and requesting the respondents especially, the second respondent, the petitioner had also given a representation on 17.12.2012 and the said representation is also pending consideration before the second respondent.

10. Per contra, the learned Government Advocate appearing for the respondents would submit that no doubt that the petitioner had attended the Teachers Eligibility Test conducted by the second respondent. After completing the test, the certificates of the petitioner had been verified and it was found that the UG Degree obtained by the petitioner is not a three years Degree and therefore, her candidature

was not selected.

11.This Court has considered the rival submissions made by both sides.

12.On perusal of the documents which have been referred by the learned counsel appearing for the petitioner, as copy of the same had been filed in the typed set of papers filed by the petitioner, it is clear that the petitioner has produced necessary mark statements as well as Degree certificate issued by the University concerned and *prima facie* those certificates disclose that the petitioner has completed UG Degree with three years duration and subsequently, she has also completed B.Ed Degree. When these certificates having been produced by the petitioner for perusal and the same had been verified during the certificate verification session, the respondents cannot take a stand that the Degree obtained by the petitioner is a two years degree.

13.Be that as it may. If at all the respondents have any doubt over the UG Degree obtained by the petitioner as to whether it is a full fledged three years Degree, within the meaning of the pattern of 10+2+3, as has been envisaged by the UGC, an opportunity could have been given to the petitioner and after getting explanation from

the petitioner, a detailed order could have been passed. There is no such attempt seems to have been made by the second respondent and also the representation submitted by the petitioner dated 17.12.2012, reiterating the said position as projected by the Petitioner, has also not so far considered it seems and the same, according to the petitioner is still pending.

14. In view of the said facts and circumstances of the case, this writ petition is disposed of with a direction, that the petitioner's request specifically made on the representation dated 17.12.2012, in the light of the certificates such as mark statements and Degree certificate of the UG degree of the petitioner, produced by the petitioner for perusal, shall be considered and based on which, a decision can be taken by the respondents, especially, second respondent, as to the eligibility of the petitioner to be selected to the post of the Teacher for which, she has completed Teachers Eligibility Test successfully and had been verified with the certificates of the petitioner already.

15. The exercise as has been directed above, shall be done by the respondents especially, second respondent within a period of four

R.SURESH KUMAR,J.
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weeks from the date of receipt of a copy of this order. With this direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

16.03.2017

sai/pri

Speaking Order / Non Speaking Order

Index: Yes / No

Internet: Yes / No

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