

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 34216 of 2012

&

MP.No.1 of 2012

M.Velusamy

... Petitioner

Vs.

1. The Secretary to Government
Education Department,
Fort St. George, Chennai 600 009.

2. The Chairman
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai 600 006.

3. The Director,
Directorate of School Education,
DPI Compound, College Road,
Chennai 600 006.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, declaring that the non selection of the petitioner, M.Velusamy (Roll Number- 12PG01110421) by the respondents to the post of Post Graduate Assistant - Tamil for the year 2011-2012.

For Petitioner : Mr.C.Munusamy
for M/s.C AND K LAW FIRM

For Respondents : Mrs. P.Rajalakshmi
Govt. Advocate

O R D E R

The Writ petition is filed for declaring that the non selection of the petitioner, M.Velusamy (Roll Number- 12PG01110421) by the respondents to the post of Post Graduate Assistant - Tamil for the year 2011-2012.

2. Heard MR.C.Munusamy, for M/s.C and K Law Firm, learned counsel appearing for the petitioner and Mrs.P.Rajalakshmi learned Government Advocate appearing on behalf of the respondents.

3. The learned counsel for the petitioner submits that the petitioner applied for the post of Post Graduate Teacher - Tamil and he had written the examination on 27.05.2012 and he secured 114 marks out of 150 marks. Subsequently, the petitioner was called for Certificate verification on 04.08.2012 and the petitioner was waiting for the selection call letter. But the petitioner was shocked that the entire selection was challenged before the Hon'ble High Court in a batch of Writ Petitions namely, WP No.21170 of 2012 etc., by order dated 01.10.2012, directed revaluation of the examination papers. Hence, the petitioner preferred the above said writ petition.

4. The learned Government Advocate would submit that the petitioner wrote the written examination in Tamil for the post of P.G.Assistant on 27.05.2012, he was called for Certificate Verification on 04.08.2012 and at the time of certificate verification of the petitioner, it was found that the petitioner passed M.A., (Tamil) for two years duration in 1991 and B.Ed., in 1993. Further the petitioner passed B.Lit (Tamil) within the duration of one year in 2008. Since the petitioner passed the double degree in Tamil for a duration of just one year, he is considered ineligible for appointment as P.G.Assistant in Tamil.

5. The learned Government Advocate would further submitted that there are two impediments to the petitioner being selected for appointment as P.G.Assistant in Tamil. The petitioner completed M.A. Tamil in 1991 and subsequently passed B.Lit., Tamil (one year duration) in 2008 and evidently the petitioner studied one year B.Lit., Tamil degree course in the reversed order. Secondly, the Bachelor Degree of Tamil was studied by the petitioner for a duration of just one year which is not an eligible degree on par with a degree of a duration of three years as per G.O.(Ms) No.107, P & A.R. (M) Department dated 18.08.2009.

6. In the Counter affidavit filed by the second respondent, it is stated in the paragraph 6 as follows:

"6. It is further submitted that the petitioner has no legal justification to contend that the Bachelor Degree (Tamil) Completed by the petitioner as a short term course has to be treated on par with the degree treated on par with the degree in Tamil passed by other candidates undergoing the course for

three years. The above contention of the petitioner is unjust, unfair and unreasonable. This Hon'ble Court has dismissed the case of the double degree holders in similar Writ Petitions. This Hon'ble Court in its Order dated 14.08.2012 in W.P.Nos.19631 of 2012 held that "If one year degrees are also recognised as equivalent to 3 year degrees, that would sound the death knell for the schools run by Government." and further held that "the official respondents are directed not to recognize, both for appointment as well as for promotion, the dual degrees obtained by candidates after undergoing a course of a duration of one year as equivalent to a degree obtained after undergoing a course of a duration of 3 years."

and also in the above said Counter affidavit, it is stated in the paragraph 8 as follows:

"8. It is submitted that the Hon'ble High Court in W.A.No.529 of 2013 has dismissed with the following observation:

".....42. The learned Judge in the impugned Judgment, on a threadbare analysis of the actual aspects and legal position, has come to the conclusion that the writ petitioners seek to agitate totally a different subject on the basis of a degree obtained after undergoing a course of one year duration and can be compared with the regular undergraduate degree of three years duration and therefore, directed the official respondents not to recognize the candidature of such persons both for appointment as well as for promotion. The Teachers Recruitment Board (TRB) has taken into consideration the said aspect and rightly rejected the claim of the writ petitioners that they are ineligible for TET on the ground that the claim made by them on the basis of the degree of one year duration is invalid and this court finds no merit in the stand taken by TRB.

.....43. This Court, on a thorough consideration and appreciation of the entire materials placed before it, is of the considered view that there is no error apparent or infirmity in the reasons assigned by the learned Judge and finds no infirmity in the impugned common order dated 14.08.2012 made in W.P.Nos.19631 of 2011 etc., batch reported in 2012 (5) CTC 129.

.....44. In the light of the reasons assigned above, all the writ appeals are dismissed confirming the common order dated:14.08.2012 made in W.P.Nos.19631

of 2011 etc., batch as well as the writ petitions are also dismissed. However, in the circumstance of the case, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed...."

7. The petitioner was called for the Certificate verification, and at the time of certificate verification, it was found that the petitioner was not eligible for selection to the post of Post Graduate Assistant - Tamil for the year 2011-2012. In view of the above facts and circumstances and the decisions cited above, the writ petition is dismissed, as there is no need to interfere with the decision of the respondents. Accordingly, the Writ Petition is dismissed. No costs. Consequently Connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

jv
To

1. The Secretary to Government, Education Department,
Fort St. George, Chennai 600 009.
2. The Chairman, Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road, Chennai 600 006.
3. The Director, Directorate of School Education,
DPI Compound, College Road, Chennai 600 006.

+1 cc to M/s.C.Munusamy Advocate sr 4948

+1 cc to the Government Pleader sr 5269

W.P. No. 34216 of 2012

rsl(co)
aa22/03/2017