

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM

Reserved on: 21.09.2017

Delivered on: 14.11.2017

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

WP.No.34643 of 2012

and

M.P.No.2 of 2012

Ajitha Purushothaman ... Petitioner

Vs.

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

2.The Annamalai University,
Annamalaipuram,
Chidambaram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records relating to the publication issued by the first respondent through website on 05.12.2012 of the non-selection of the petitioner with Roll No.12TE25153372 for the post of Graduate Teachers (BT Assistants) for the year 2012 in English and quash the same and direct the first respondent to issue appointment order to the petitioner for the post of Graduate Teachers (BT Assistant) in English.

Petitioner :Mr.G.Sankaran
for M/s.S.Baskar

Respondents :Mr.K.Venkatramani,
Addl. Advocate General
Assisted by Mr.Dig Vijaya Pandian (for R1)
Additional Government Pleader
Mr.V.R.Kamalanathan (for R2)

O R D E R

The writ petitioner is before this Court by challenging her non-selection to the post of Graduate Teacher (B.T. Assistant) for the year 2012 in English. It is the case of the petitioner that she hold M.A., M.Ed., qualification and she is eligible to be appointed as a B.T. Assistant in the event of passing TET test. The scheme of her U.G. degree is a B.A. English double degree/ Additional degree with further one year course of study and B.Ed. degree. In the meantime, the 1st respondent issued a notification for the conduct of Tamil Nadu Teacher Eligibility Test 2012 (TNTET)-2012. The first respondent has prescribed the following qualification to write Teacher Eligibility Test.

2.Candidates who have passed Higher Secondary Course (10+2) pattern and Diploma in Teacher Education in a Recognized Teacher Training Institute / DIET and seeking an appointment as teacher for classes I to V (except Visually Impaired Candidates) can write paper-I.

3.Candidates who have passed a Bachelor's Degree (B.A./ B.Sc./ B.Lit.) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography or a degree with any one of the equivalent subjects from a Recognized University under 10+2+3 pattern and a degree in Teacher Education (B.Ed.) from a recognized University and seeking an appointment as teacher for classes VI to VIII can write paper-II.

4.Candidates appearing for the final year examination of D.T.Ed./ B.Ed. during the current Academic year are also eligible to appear for the Teacher Eligibility Test.

5.Thereupon the petitioner having possessed the requisite qualification in English subject has applied for the said post. The petitioner's application was accepted and was allowed to write the eligibility test. The petitioner by scoring 98 marks out of 150 marks successfully cleared the teacher eligibility test was declared and issued with a certificate to that effect. The cut off mark for the eligibility was setup as 60 marks. The petitioner having secured more marks than that of the required was called for certificate verification and interview. Accordingly the petitioner appeared for certificate verification and interview, on scrutiny of her certificates, they were found to be in order. It is needless to say that a certificate of a

pass in TET exam is valid for period of 7 years and the successful candidates if do not find a place for them in the current recruitment, they are liable to be considered in future recruitments.

6. Therefore, the petitioner was under a belief of getting appointed by virtue of her academic performance. However by the impugned order the petitioner's candidature was rejected by the 1st respondent holding that since her basic qualification of B.A. English double degree (one year additional degree course) is not equivalent to a 3 years B.A., English program. The said finding of the 1st respondent is erroneous in view of the fact that B.A., English double degree (One year additional degree course) is a recognized one by the University and the same is equivalent to 3 years B.A. English program, hence such candidates are eligible to apply on par with that of the candidates having 3 years course study.

7. Pending writ petition the petitioner underwent yet another B.A., degree course afresh in English major under 3 years stream and was graduated in B.A. English in the year 2015. Whereupon in the writ petition an interim direction in M.P.No.2 of 2012 dated 04.08.2017 was given to the 1st respondent to consider the case of the petitioner in the light of subsequent development of acquiring a 3 years degree by the petitioner. But vide the order of the 1st respondent dated 19.09.2017, the claim of the petitioner came to be rejected by the 1st respondent on the ground that the petitioner cannot be offered with appointment or even is not in the zone of consideration, since the very TET exam passed by the petitioner was on the basis of her ineligible qualification of B.A., English double degree (One year additional degree course). In the above factual background now the petitioner has sought for a direction to the 1st respondent to appoint the petitioner herein, since she has also acquired the qualification of B.A., 3 year English course as contemplated by the 1st respondent. Now the respondents cannot have any legal impediment in appointing the petitioner as a B.T. Assistant (English), as the petitioner possesses both the required qualifications namely a pass in TET and a degree in 3 year scheme. The relevant portion of the averments made in the additional affidavit of the petitioner dated 10.06.2017 is extracted hereunder:

"..... which event I am, entitled for consideration to the post of B.T. Assistant (English) based on the qualification acquired by me. Hence, it is just and necessary to direct the respondents for considering verification conducted on 08.06.2017 based

on the passing of the TET in the year 2012 as well as the B.A., (English) Degree in the year 2005".

8. At this juncture for proper appreciation of petitioner's case it would be relevant to see whether a 3 years course of a particular major and a one year additional course granting a similar degree by nomenclature in the same major is equivalent and have same importance.

9. In this regard it would be relevant to look into the decision of this court made in W.P.No.19631 of 2012 dated 14.08.2012 wherein it is held that:

"If one year degrees are also recognized as equivalent to 3 years 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".

10. Now the next question arise before this Court is as to whether the B.A., 3 years English Degree acquired subsequent to the petitioner's TET qualification should be considered and ratified, such that enabling the petitioner to find a place for her appointment.

11. It is admitted fact that based on the qualification obtained by this petitioner, the petitioner has written the TET exam and she obtained 98 marks out of 150 marks and issued with a certificate to that effect. It is needless to say that a certificate of a pass in TET exam is valid for a period of seven years.

12. Now the respondents cannot say that her basic qualification of B.A. English double degree (one year additional degree course) is not equivalent to a 3 years B.A. English program acquired by the petitioner that once the respondents permitted the petitioner to sit in the TET examination and she has also successfully passed the examination and get high score of 98 marks out of 150 marks and to that effect, the respondents issued TET certificate to the petitioner. Now the respondents cannot say that it is not equivalent. Apart from this, the petitioner has under gone new course of 3 years B.A. and she

also acquired the B.A. 3 years course has contemplated by the 1st respondent. Therefore, there is no bar to the respondents to appoint the petitioner, since she acquired B.A. and TET examination. Therefore, the order issued by the 1st respondent through website on 05.12.2012 of the non-selection of the petitioner with Roll No.12TE25153372 for the post of Graduate Teachers (BT Assistants) for the year 2012 in English, is set aside.

13.In the result:

(a) this writ petition is allowed by setting aside the order passed by the 1st respondent through website on 05.12.2012 of the non-selection of the petitioner with Roll No.12TE25153372 for the post of Graduate Teachers (BT Assistants) for the year 2012 in English;

(b) the respondents are directed to appoint the petitioner in the post of Graduate (B.T. Assistant) in English;

(c) the said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vs

To

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

2.The Annamalai University,
Annamalaipuram, Chidambaram.

+1 CC to Mr.V.R. Kamalanathan, advocate sr 80860.

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SP(30/11/2017)