

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.01.2017
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 18673 of 2013
and
M.P.No.2 of 2013

G. Karpagam

..Petitioner

Vs.

1. The Member Secretary
Teachers Recruitment Board
College Road
Chennai - 600 009.
2. The Director of School Education
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 Certiorarified Mandamus, calling for the records relating to the first respondent's order made in Oo.Mu.No.202/TET/2013 dated 15.02.2013 to quash the same and consequently direct the respondents to consider the claim of the petitioner for appointment as Graduate Assistant to conduct classes 6 to 8 forthwith, and pass further orders.

For Petitioner : Mr. L. Chandrakumar
For Respondents : Mrs. P. Rajalakshmi,
Government Advocate

O R D E R

The petitioner has filed the present writ petition, seeking to quash the order made in Oo.Mu.No.202/TET/2013 dated 15.02.2013 by the first respondent and consequently direct the respondents to consider the claim of the petitioner for appointment as Graduate Assistant to conduct classes 6 to 8 forthwith.

2. Learned counsel for the petitioner submitted that the petitioner after completing her 10+2, obtained a degree in Bachelor of Computer Application [BCA] and also passed B.Ed and TET. She applied for the post of Graduate Assistant. When the petitioner appeared for verification of certificates, tentatively she was placed at Sl.No.74. The petitioner received

a communication, impugned herein, dated 15.02.2013 in Oo.Mu.No.202/TET/2013, stating that possession of a degree in BCA cannot be treated as an eligible qualification, for handling classes 6 to 8, as per clause 4 of the said proceedings. Aggrieved by the said order of the first respondent, the petitioner filed this writ petition.

3. According to learned counsel for the petitioner, as per G.O. (Ms.)No.72 Higher Education Department dated 30.04.2013, B.Sc - Maths (Computer Applications) is equivalent to B.Sc Maths and therefore the petitioner is entitled to get the relief as prayed, in the writ petition.

4. On the contrary, learned Government Advocate for Education Department submitted that G.O. (Ms.)No.72 Higher Education Department dated 30.04.2013, has been issued only with regard to B.Sc - Maths (Computer Applications) is equivalent to B.Sc. (Maths) and not as an equivalent degree to BCA. As ordered by the Government in the aforesaid G.O., as on today, Graduation in Computer Applications is not equivalent to B.Sc. (Maths) and in the light of the notification dated 07.03.2012, the selection was not considered by the Board.

5. Heard learned counsel for the petitioner and learned Government Advocate for the respondents.

6. It is contended by learned counsel for the petitioner that the petitioner possess the qualification of degree in Computer Applications. As per the G.O. (Ms.) No.72, Higher Education Department dated 30.04.2013, the aforesaid degree obtained by the petitioner has to be treated as equivalent to B.Sc. (Maths). The said contention cannot be accepted. The equivalency of a degree can be decided only by an expert body and not by the Court. Therefore, this Court is inclined to direct the Teachers Recruitment Board to forward, the said proposal of the petitioner to the Government, to find out whether the degree of Bachelor in Computer Applications is equivalent to B.Sc. (Maths). The respondents shall get a report from the expert body, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the Government shall pass appropriate orders regarding the equivalency of the degrees, Bachelor of Computer Applications and B.Sc. (Maths), within a period of six months, thereto. Ultimately, if the Government order is favourable to the petitioner, treating the degree in BCA and B.Sc (Maths) as equivalent, the first respondent, namely, the Teachers' Recruitment Board is directed to issue appropriate orders of selection, in favour of the petitioner, to be considered in the future vacancies in the 2nd respondent department.

7. The Writ Petition is disposed of, accordingly.
Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary
Teachers Recruitment Board
College Road
Chennai - 600 009.
2. The Director of School Education
College Road
Chennai - 600 006.

+1cc to Mr.Chandrakumar, Advocate, S.R.No.4973

W.P. No. 18673 of 2013

AK (CO)
RS (07/04/2017)

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