

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.11.2017

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29585 of 2013

C.Uma maheswari

..Petitioner

vs

1.The Government of Tamil Nadu,
rep.by the Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Director,
State Council for Teacher Education, Research
and Training, College Road,
Chennai - 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in O.Mu.No.002749/A3/2012 dated 15.5.2012 and quash the same and direct the second respondent to evaluate the Diploma in Education(D.Ed) issued to the Petitioner by the Karnataka Secondary Education Examination Board under Reg.No.Z007435973 as equivalent to the Diploma in Teacher Education Certificate of Tamil Nadu.

For Petitioner : Mr.P.Manoj Kumar

For Respondent : Mr.A.Rajaperumal

Additional Government Pleader

O R D E R

The order of rejection dated 15.05.2012 issued by the 2nd respondent in respect of the claim of the writ petitioner seeking equivalence of the qualification is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner states that the writ petitioner has completed Higher Secondary Course in March 2002 and in the subject of Zoology, she has obtained 77 marks out of 200 marks. The petitioner states that she has obtained Diploma in Education (D.Ed) in the State of

Karnataka. In this regard, the Karnataka Secondary Education Examination Board issued a certificate to the petitioner. The certificate obtained by the writ petitioner was sent for evaluation. However, the Director, State Council for Teacher Education and Research, Chennai returned the certificate of the petitioner in proceedings dated 04.05.2009, stating that the petitioner had not passed Zoology in the Higher Secondary Examination Course and she has obtained 27 marks in theory as against the required mark of 40 out of 150. However, it was stated in the order passed by the Director that the petitioner could improve the marks by writing the improvement examination and thereafter, she is at liberty to submit the certificate for evaluation. The petitioner also wrote the Zoology examination in September 2011. At this point of time, the marks prescribed for pass in theory was 30 out of 150. The petitioner obtained 30 marks and she was declared pass in the examination. Once again, the petitioner submitted her certificate for evaluation, the Director issued further order in proceedings dated 15.05.2012 which is impugned in this writ petition, stating that proposals were sent to the Government for relaxation in view of the fact that the petitioner passed Higher Secondary Course Examination after passing the Diploma in Teachers Education. Because, as per the Government Letter dated 08.11.2011, the certificate of the petitioner could not be evaluated.

3. Under these circumstances, the writ petitioner is constrained to move the present writ petition questioning the order impugned issued by the 2nd respondent. The grounds raised by the writ petitioner is that originally she has secured 27 marks out of 150 and therefore, she must be treated as if she has passed the Zoology examination as per the Karnataka Secondary Examination Board. However, the Director, State Council for Teacher Education and Research, Chennai negatived the claim of the writ petitioner on the ground that the petitioner had not secured 40 marks out of 150 in Zoology paper and therefore, the certificate cannot be treated as equivalence to that of the course in the State of Tamil Nadu.

4. This being the dispute and further, the respondents are of the opinion that the writ petitioner has passed the Higher Secondary Examination only after passing the Diploma in Teachers Education Examination, the respondents declined the request of the writ petitioner by stating that the passing of the Higher Secondary Examination after possessing the Diploma cannot be considered as a valid completion of the course in accordance with the regulations.

5. In this view of the matter, the respondents have rejected the claim of the writ petitioner for granting equivalence. Even otherwise, the equivalence can be granted only based on the

recommendations of the committee constituted in this regard under Section 19 of the State and Subordinate Service Rules. However, the recommendations if any made by the committee should be accepted by the Government and an order to be passed in this regard. Then, the competent authorities of other departments would be in a position to grant equivalence. In other words, the State Government is the authority for issuing orders in respect of grant of equivalence of Educational qualification possessed by the respective candidates from various universities and State Government Boards.

6.This being the legal position, the 2nd respondent has rejected the claim of the writ petitioner on the ground that she has acquired the qualification of Higher Secondary Course only after the completion of her Diploma Course and therefore, the same cannot be treated as equivalent. This Court is of the opinion that in respect of the pattern of the scheme of examination, the Courts have repeatedly held that the pattern prescribed by the University Grants Commission and other statutory authorities are to be followed scrupulously and any institution or University prescribing any other method in contravention with the scheme declared by the University Grants Commission is null and void. This being the legal principle settled, this Court is of the opinion that there is no infirmity in the order impugned in this writ petition and accordingly, the grounds raised in this writ petition deserves no further consideration.

7.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IX)

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Sub Assistant Registrar

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To

1.The Secretary to Government,
The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.

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2.The Director,
State Council for Teacher Education, Research
and Training, College Road,
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SAI (CO)
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