



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.A. (MD) No.138 of 2017
and
C.M.P. (MD) .No.1395 of 2017**

- 1.The State of Tamil Nadu
Rep.by its Principal Secretary
Department of School Education
Fort St. George, Chennai-09
 - 2.The Director of School Education
College Road, Chennai-06
 - 3.The Secretary / Member (School Education)
Teachers Recruitment Board
EVK Sampath Maligai, DPI Compound
College Road, Chennai-06
- ... Appellants

-vs-

G.Kalaivendhan

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 05.01.2015 in W.P.(MD).No.20364 of 2014, on the file of this Court.

Prayer in WP(MD). 20364/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order in Na.Ka.NO.3363/A1/2011, dated 18.2.2013 on the file of the respondent no.3 and quash the same as illegal and consequently to direct the respondents to appoint the petitioner as the Post Graduate Assistant in Tamil within the time stipulated by this Honble Court.

For Appellants : Mr.V.Muruganantham, A.G.P.

For Respondent : Mr.T.Lajapathi Roy

**J U D G M E N T****[Judgment of the Court by T.S.SIVAGNANAM, J.]**

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellants / respondents and Mr.T.Lajapathi Roy, learned counsel appearing for the respondent / writ petitioner.

2. This writ appeal by the State Government and two others is directed against the order, dated 05.01.2015 made in W.P.(MD). No.20364 of 2014.

3. The said writ petition was filed by the respondent / writ petitioner challenging the proceedings of the third appellant / Teachers Recruitment Board, dated 18.02.2013, in and by which, the Post Graduate Degree obtained by the respondent in M.A. (Tamilology) was held to be not equivalent to M.A. (Tamil).

4. The petitioner filed the writ petition during December, 2014 contending that both the Degrees are equivalent. Admittedly, no Equivalence Committee was constituted to examine as to whether both the Degrees are equivalent. A Writ Court cannot declare any two Degrees as equivalent. However, during pendency of the writ petition, the Tamil University, Tanjore, passed an order cancelling the certificate granted to the writ petitioner as M.A. (Tamilology) and granted a fresh certificate as M.A. (Tamil) and this proceedings of the Tamil University was produced before the Writ Court and the Writ Court, opined that as of now there is no impediment, directed the appellants to consider the claim of the respondent seeking appointment to the post of P.G.Assistant in Tamil, based on the certificate issued by the Tamil University, Tanjore, dated 27.02.2014.

5. The appellants are aggrieved by the said order on the ground that no such positive direction could have been granted, especially when the selection was for the year 2010-2011. Further more, as of now, the person to be appointed in the post of P.G.Assistant has to undergo an examination conducted by the Teachers Recruitment Board. Therefore, the respondent cannot be accommodated as directed by the Writ Court.

6. It may be true that as of now, the impediment which was put against the respondent is not in existence, because of the letter of the Tamil University, dated 05.01.2015. But, nevertheless, this letter has been obtained by the respondent during the pendency of the writ petition and therefore, this can be at best help to the respondent to participate in the subsequent selection, if he is otherwise qualified. The respondent cannot be accommodated in the post of P.G.Assistant in Tamil, since the pattern of selection has been revised by the third appellant /



Teachers Recruitment Board. Even assuming the respondent had participated in the selection process under the new pattern, that by itself cannot confer upon him any vested right to get appointment now, as the selection in which he had participated was for the year 2010-2011.

7. Therefore, the writ appeal is partly allowed and the direction issued by the learned Single Judge to consider the case of the respondent for appointment to the post of P.G.Assistant in Tamil based on the certificate issued by the Tamil University is set aside and liberty is granted to the respondent to apply for the next selection to the said post, if he is otherwise qualified to apply for the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Department of School Education,
Fort St. George, Chennai-09.

2.The Director of School Education,
College Road, Chennai-06.

3.The Secretary / Member (School Education),
Teachers Recruitment Board,
EVK Sampath Maligai, DPI Compound
College Road, Chennai-06.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 54081

+1 cc to Special Government Pleader in SR.No:54741

skm/krk

AE/JC/10.05.2017/3P/6C

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