



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2017

CORAM:

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

W.A. (MD) No.402 of 2013
and
M.P. (MD) No.1 of 2013

P.William

... Appellant

-vs-

1.The Director of Govt. Examination,
Directorate of Govt. Examination,
Chennai - 06.

2.The Director,
Directorate of Teacher Education,
Research & Training,
College Road, Nungambakkam,
Chennai - 06.

3.The Director,
State Board of Teacher Education,
Kohima,
Nagaland.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 07.08.2008 in W.P.(MD).No.2219 of 2008, on the file of this Court.

Prayer in WP(MD). 2219/ 2008 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for entire records pertaining to the Na.Ka.12728/C1/2006 dated 17/10/2007 and quash the same and directing the 1st respondnet to publish the results of the examinations held in January and August 2005 with regard to the petitioner's number 0590031 within a time frame fixed by this Honourable Court.

For Appellant : Mr.V.Panneerselvam
for M/s.K.Hema Karthikeyan
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

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

Heard Mr.V.Panneerselvam, learned counsel appearing for the appellatant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2. This writ appeal by the writ petitioner is directed against the order, dated 07.08.2008, made in W.P.(MD).No.2219 of 2008, which was filed challenging the order of the first respondent, dated 17.10.2007, and to direct the first respondent to publish the results of the examinations held in January and August 2005.

3. The issue involved in this appeal is whether the appellatant has undergone two years Diploma Course in an Institution at Nagaland or whether the duration of the said course is one year.

4. The first respondent passed an order, dated 17.10.2007, cancelling the results of the appellatant's examination on the ground that he is not eligible to sit for the examination, since he has undergone only one year course in the state of Nagaland. The stand taken by the first respondent is based upon the communication received from the State Board of Teacher Education, Nagaland : Kohima, dated 22.03.2017, addressed to the Director, Directorate of Teacher Education, Research & Training, Chennai-600 006, stating that any examination conducted prior to 2003 will have only one year duration. Though the said letter refers the name of two other candidates, the Director, SCERT, Nagaland, Kohima, has stated that upto 2003, the course is of only one year duration.

5. The learned counsel appearing for the appellatant placed reliance upon the order passed by the National Council for Teacher Education, dated 16.06.1999, stating that the Institution, where the appellatant studied, was accorded one year provisional recognition for two years Under Graduate Teacher Training Course from 1999-2000 with intake of 60 students. Therefore, it is submitted that the course undergone by the appellatant is a two years course.

6. We are of the considered view that the onus is on the appellatant to establish that he had studied two years course in the said Institution and merely because the course was recognised as a two years course that by itself would not automatically mean that the appellatant had undergone two years course, more so in the light of the Communication of the Director, SCERT, Nagaland, dated 22.03.2007 (referred supra).

7. Therefore, we direct the appellatant to approach the concerned authority of the State Board of Teacher Education, Nagaland and get a certificate as regards the duration of the course undergone by the appellatant in St.Paul Institute of Education, Phesama, Kohima, Nagaland. On obtaining such certificate, the appellatant is given liberty to approach the second respondent, who shall consider the



same and pass appropriate orders on merits and in accordance with law.

8. With the above observations, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

/True Copy/

Sd/-

Assistant Registrar(P & A)

Sub Assistant Registrar

To:

1.The Director of Govt. Examination,
Directorate of Govt. Examination,
Chennai - 06.

2.The Director,
Directorate of Teacher Education,
Research & Training,
College Road, Nungambakkam,
Chennai - 06.

3.The Director,
State Board of Teacher Education,
Kohima, Nagaland.

+1cc to M/s. K.HEMA KARTHIKEYAN Advocate in SR. No.61325

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.16628

IA/KRK

JS/GT/SAR.2/29.06.2017/3P-6C

W.A. (MD) No.402 of 2013

and

M.P. (MD) No.1 of 2013

20.06.2017