

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1622 of 2017
and C.M.P.No.21164 of 2017

1. The Teachers Recruitment Board,
rep.by its Chairman,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006. Appellants/Respondents

-vs-

J.Dhanalakshmi ... Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.29425 of 2013 dated 31.10.2013.

W.P. No 29425/2013:

Writ Petition filed under Article 226 of the constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to select and appoint the petitioner (Roll NO.13PG29170007) to the post of PG Assistant in Telugu based on merits in the selection for direct recruitment of PG Assistant for Government Higher Secondary Schools 2012-2013 without reference to the order of obtaining under Graduate Degree and Post Graduate Degree in Telugu within a time frame to be fixed by this court.

For Appellants :: Mr.R.Prathapkumar,
Additional Government Pleader

For Respondent :: Mr.G.Sankaran

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

The case of the respondent is that originally she obtained a degree in B.A. (History, Economics and Political Science). Subsequently, she obtained B.A. Degree in Telugu, in the year 2006. Possessing the abovesaid qualifications, she applied for appointment to the post of Post Graduate Assistant in Telugu, as per the Teachers Recruitment Board's Notification, made in May 2013 and secured 124 marks in the examination conducted by the Teachers Recruitment Board on 27.07.2013. The respondent's name was included in the list of candidates called for certificate verification, and accordingly she was called for certificate verification, on 23.10.2013. The respondent contends that the Verification Committee filed a report, stating that she is not eligible for appointment to the aforesaid post, as she has passed B.A. Telugu, after passing M.A. Telugu, viz., in a reverse order. Therefore, the respondent filed a writ petition before this Court in W.P.No.29425 of 2013 praying for issuance of a Writ of Mandamus directing the appellants herein to appoint her to the post of PG Assistant in Telugu, based on merits in the selection for direct recruitment of PG Assistant for Government Higher Secondary Schools, without reference to the order of obtaining the Under Graduate and Post Graduate Degrees in Telugu. Relying upon the order passed by this Court dated 25.03.2013 in W.P.No.6870 of 2013, wherein it has been held that getting degree in reverse order will not operate as a bar to the candidates for getting employment, the learned single Judge made it clear that the respondent cannot be denied her appointment on the ground that she got B.A. degree after completing M.A. degree, viz., obtaining the degree in reverse order and allowed the writ petition.

2.Challenging the order passed in the writ petition, the present writ appeal has been filed by the Department.

3.The learned Additional Government Pleader appearing for the appellants has submitted that the relief sought for by the similarly placed persons like that of the respondent herein, has already been rejected by this Court in the order made in W.P.No.19631 of 2011 dated 14.08.2012. He further submitted that the order dated 25.03.2013 in W.P.No.6870 of 2013, which has been relied upon by the learned single Judge, is not relevant or applicable to the case of the respondent, as she did B.A. (Telugu) in one year in the reverse order. It is his further submission that the benefit of the ruling of this Court dated 25.03.2013 in W.P.No.6870 of 2013 goes to those who did undergraduate degree of three years duration in the reverse

order. Stating so, he prayed for quashing the order passed in the writ petition.

4.The learned counsel for the respondent has submitted that the the learned single Judge has dealt with the matter in proper perspective and passed the impugned order and hence the same does not require any interference.

5.Heard the learned counsel on either side and perused the materials available on record.

6.Under similar circumstances, this Court passed a common judgment in a batch of writ appeals and writ petitions in W.A.No.529 of 2013 etc.batch on 05.02.2014, in which it has been held as follows:

"42.The learned Judge in the impugned judgment, on a threadbare analysis of the factual aspects and legal position, has come to the conclusion that the writ petitioners seek to agitate totally a different subject on the basis of a degree obtained after undergoing a course of one year duration and can be compared with the regular undergraduate degree of three years duration and therefore, directed the official respondents not to recognize the candidature of such persons both for appointment as well as for promotion. The Teachers Recruitment Board (TRB) has taken into consideration the said aspect and rightly rejected the claim of the writ petitioners that they are ineligible for TET on the ground that the claim made by them on the basis of the degree of one year duration is invalid and this Court finds no merit in the stand taken by TRB.

43.This Court, on a thorough consideration and appreciation of the entire materials placed before it, is of the considered view that there is no error apparent or infirmity in the reasons assigned by the learned Judge and finds no infirmity in the impugned common order dated 14.08.2012 made in W.P.Nos.19631/2011 etc., batch reported in 2012 (5) CTC 129.

44.In the light of the reasons assigned above, all the writ appeals are dismissed confirming the common order dated 14.08.2012 made in W.P.Nos.19631/2011

etc., batch as well as the writ petitions are also dismissed. However, in the circumstance of the case, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."

7.The above judgment has been passed confirming the common order passed by this Court dated 14.08.2012 in W.P.No.19631 of 2011, etc.batch., which has been relied upon by the learned Additional Government Pleader in support of his contention. In the present case, the respondent originally studied B.A. (History, Economics and Political Science). Subsequently, she obtained B.A. Degree in Telugu, in the year 2006. Possessing the abovesaid qualifications, she applied for appointment to the post of Post Graduate Assistant in Telugu, as per the Teachers' Recruitment Board's Notification, made in May 2013. The Department has found that only after completing the M.A.Degree (Telugu), the respondent obtained the B.A.Degree (Telegu), ie, in a reverse order. It is also seen that the respondent obtained the degree in B.A.(Telegu) in one year. As held by the Division Bench of this Court dated 05.02.2014 in W.A.No.529 of 2013 etc.batch, a degree of one-year duration cannot be treated as equivalent to a degree of three-year duration. It is even against the qualifications prescribed in the Notification in question.

8.Further, it would be appropriate to refer to the order passed by the Government in G.O.(Ms)No.107, Personnel and Administrative Reforms (M) Department, dated 18.08.2009, wherein, on an issue as to whether in cases where a pass in Higher Secondary Examination is prescribed as minimum educational qualification, persons without possessing Higher Secondary (+2) qualification and obtained degree / Bachelor of Science, and Bachelor of Arts, etc., may be considered on par with those who possesses Higher Secondary qualification, the Government accepted the recommendations of Equivalence Committee and issued orders that the Diplomas / Degrees / Post Graduation after possessing X Standard, Higher Secondary obtained through Open Universities alone can be considered for appointment / promotion in Public Services. Thus, it is clear that persons who had undergone the courses in the pattern of education 10+2+3 alone are eligible for appointment in Public Services, and even if they studied the degree course under Open University System, it is mandatory that they should have undergone the courses in 10+2+3 pattern.

9.The respondent, having obtained the B.A.Degree (Telegu) after completing M.A.Degree (Telugu), ie., in a reverse order, that too within a duration of one-year instead of three years, cannot seek to claim the benefit of appointment, as it is

against the dictum laid down by this Court in the judgment dated 05.02.2014 made in W.A.No.529 of 2013 etc.batch.

10.In view of the above stated circumstances, the writ appeal is liable to be allowed and accordingly it is allowed and the impugned order dated 31.10.2013 made in W.P.No.29425 of 2013 is quashed. Consequently the connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

KM

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

+1 CC to Govt. Pleader sr 4569.

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and
C.M.P.No.21164 of 2017

SS(CO)
SP(17/02/2018)