

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order Reserved : on 22.02.2018

Order Delivered : on 13.06.2018

Coram:-

The Honourable Mr. Justice T.Raja

Writ Petition No.572 of 2018

Dr.C.Manikandan

... Petitioner

vs.

1. Teacher Recruitment Board,
Rep. By its Chairman,
4th floor, EVK Sampath Maligai,
Chennai - 6.

2. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

3. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of declaration to declare that G.O.Ms.No.361, School Education Department, dated 31.12.1999 is repugnant to the National Council for Teacher Education (NCTE) (Determination of Minimum Qualification for persons to be recruited as Education Teachers and Physical Education Teachers in Pre-primary, Primary, Upper Primary, Secondary, Senior Secondary or Intermediate Schools or College) Regulations, 2014, dated 12.11.2014 insofar as it prescribes that candidates should have studied the same subject in Bachelor's degree and Master's degree, both for academic subjects and languages for being eligible for the post of PG Assistant and hence void and consequently direct the respondents to publish the result of the petitioner in the TRB exam for the post of Graduate Assistant held on 02.07.2017 and appoint the petitioner as Post Graduate Assistant for the subject Political Science in any of the Government Schools preferably in Salem Town.

For Petitioner : Mrs.Nalini Chidambaram, SC
for M/s.C.Uma

For Respondents : Mrs.Narmadha Sampath, AAG
Asst. by Mrs.P.Rajalakshmi, AGP

ORDER

The petitioner has filed this writ petition seeking to declare that G.O.Ms.No.361, School Education Department, dated 31.12.1999 is repugnant to the National Council for Teacher Education (NCTE) (Determination of Minimum Qualification for persons to be recruited as Education Teachers and Physical Education Teachers in Pre-primary, Primary, Upper Primary, Secondary, Senior Secondary or Intermediate Schools or College) Regulations, 2014, dated 12.11.2014 insofar as it prescribes that candidates should have studied the same subject in Bachelor's degree and Master's degree, both for academic subjects and languages for being eligible for the post of PG Assistant, as void.

2. Heard the learned Senior counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

3. The petitioner has studied UG degree in B.A. (Tamil) in the year 2006 and B.Ed. at Periyar University, Salem, in the year 2007. He has also acquired M.A. Degree in Political and International Studies in the year 2010 at Pondicherry University and he has completed Ph.D. (Politics and International studies) at Pondicherry University in the year 2016. Whiles, the TRB issued a Notification dated 09.05.2017 inviting applications from the eligible candidates for the post of Post Graduate Assistants by direct recruitment. The qualification for the said post is prescribed as per the G.O.Ms.No.361, School Education Department, dated 31.12.1999, which states that the qualification for direct recruitment to the post of Post Graduate Assistants in Academic subjects should be a Bachelor's Degree and a Master's Degree in the subject in respect of which recruitment is made. However, the Notification issued by the National Council for Teacher Education, dated 03.09.2001, says only Master's degree in the relevant subject with Bachelor of Education or its equivalent or two year's integrated M.Sc. Course or an equivalent course for Sr.Secondary/PUC/Intermediate. Thereafter, although the petitioner has sent a representation dated 11.05.2017 requesting the respondents 1 and 2 to follow the qualification prescribed by the NCTE, they did not respond to the said representation, hence, he filed a writ petition No.14819 of 2017 seeking a

direction to the respondents therein to accept his application and then permit him to appear in the examination.

4. This Court, while entertaining the said writ petition, by taking note of the Notification dated 03.09.2001 issued by the NCTE, which says only Master's degree in the relevant subject with Bachelor of Education, directed the respondents therein to receive his application. During the course of final hearing, this Court, vide its order dated 03.07.2017, held that the NCTE merely stipulates a Master's degree in the relevant subject with B.Ed., or its equivalent, therefore, this cannot be interpreted as if the petitioner is not required to possess the Degree and Master's Degree in the same subject. In other words, the candidate possessing the basic Degree in one subject and possessing Master's Degree in another subject cannot be considered for appointment to the post of Post Graduate Assistant. By holding so, this Court has dismissed the said writ petition.

5. As against that, when writ appeal No.1163 of 2017 was filed, the Hon'ble Division Bench of this Court, vide its judgment dated 23.10.2017, taking note of the fact that the writ petitioner has not challenged the relevant notification or Government order which prescribes the particular qualification and has merely sought for a mandamus alone to accept his application, rejected the prayer of the writ petitioner. Thus, now, he has filed the present writ petition challenging the validity of G.O.Ms.No.361, dated 31.12.1999.

6. Since the petitioner has already suffered an order passed by this Court in W.P.No.14819 of 2017, dated 03.07.2017, which was also confirmed by the Hon'ble Division Bench on 23.10.2017, passed in W.A.No.1163 of 2017, this Court is not inclined to reopen the case in a different prayer.

7. It may be mentioned herein that in the case of Engineering Subjects, as per the educational qualifications fixed by the AICTE, although the petitioners in W.P.Nos.28040, 18835, 23673, 27072, 27391 and 23330 of 2017 have obtained B.E. in one subject, while pursuing the M.E. degree, they have chosen similar and relevant subject to that of the subject chosen in B.E. degree as per the educational qualification fixed by the AICTE. However, in the present case, the petitioner, who has applied for the post of Post Graduate Assistant, non-engineering post, has obtained B.A. Degree in Tamil, whereas he has obtained Master's Degree in Political and International studies, which is totally not relevant to the subject he has chosen in UG degree, therefore, the case of the petitioner herein cannot be compared with that of persons who have applied for Engineering Post.

8. Thus, in view of the aforesaid reasons, the writ petition fails and it is dismissed accordingly. No Costs. WMP.No705 of 2018 is closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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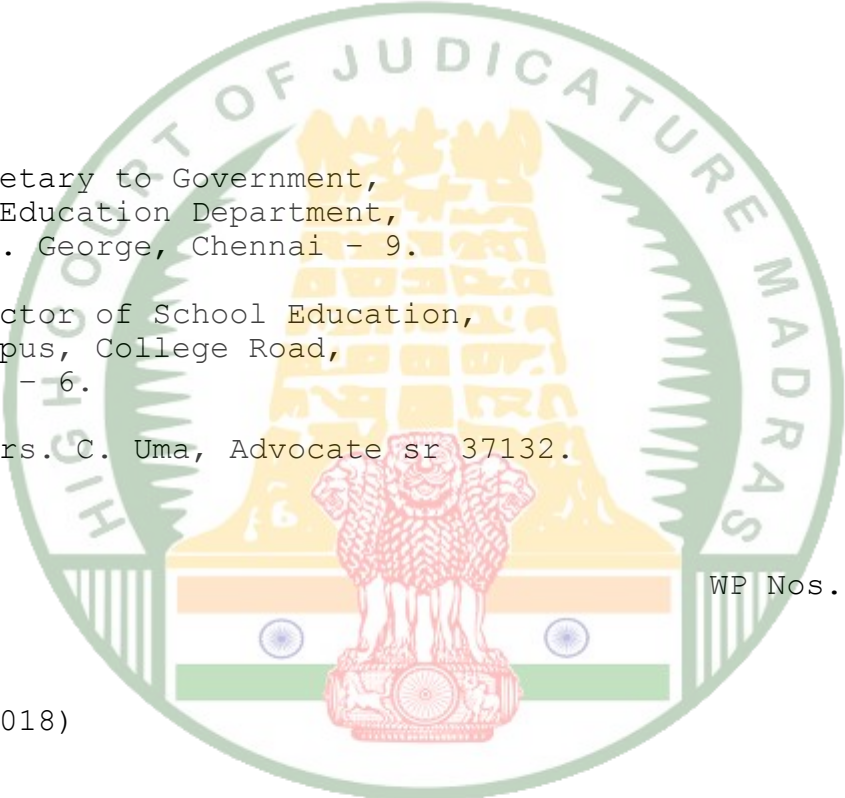
1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

+1 CC to Mrs. C. Uma, Advocate sr 37132.

GMR (CO)
SP (27/06/2018)

WP Nos. 572 of 2018



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