

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.09.2018

CORAM :
THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.21092 of 2014 and
M.P.No.2 of 2014

A.Sivagami

... Petitioner

Vs

1.Teacher Recruitment Board,
Rep. by its Member-Secretary,
College Road,
Chennai - 600 006.

2.The Director of School Education,
College Road,
Chennai - 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order dated 14.07.2014 of the 1st respondent, declaring the petitioner as ineligible for direct recruitment to the post of B.T. Assistant (Tamil) (TNTET Roll No.13 TE 6020 3025) to quash the same and issue consequential directions to the 1st respondent to select and appoint the petitioner as B.T. Assistant (Tamil).

For Petitioner : Mr.G.Vasudevan

For Respondents : Mr.C.Munusamy
Special Government Pleader (Education)
for R1

: Mr.K.Karthikeyan
Government Advocate for R2

O R D E R

The notification issued by the respondent in respect of the selection list in Proceedings dated 14.07.2014, is under challenge in this writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner passed the SSLC examination in the year 1996 and studied B.A. degree without undergoing the Higher Secondary Course, i.e. +2 course. The writ petitioner had completed the graduation through the Open University system. Accordingly, she

registered her name in the District Employment Exchange, Tiruvannamalai on 31.05.2006. Pursuant to her employment seniority, the respondents called her for Certificate Verification. The writ petitioner had participated in the process of Certificate Verification and her certificates were verified, however, the petitioner had not received any order of appointment. Thus, she is constrained to move the present writ petition.

3. The learned counsel for the writ petitioner states that the writ petitioner is otherwise qualified, except the fact that she had completed the B.A. degree without undergoing the +2 course. However, the petitioner had subsequently completed the +2 course also. Thus, she is entitled for employment, as per the Certificate Verification done by the competent authorities.

4. The learned Special Government Pleader, appearing on behalf of the 1st respondent, disputed the contention on the ground that, as per the rules in force, the candidates who studied the course in accordance with the regulations of the University Grants Commission, are alone entitled for appointment. Admittedly, the writ petitioner had completed the graduation without undergoing the +2 course. Therefore, the degree obtained through the Open University system is invalid, even as per the judgment of the Hon'ble Supreme Court in the Annamalai University Vs. Secretary to Government, Information and Tourism Department and others reported in (2009) 4 SCC 590.

5. A teacher, who is appointed in schools, must have undergone regular educational system. The educational pattern described by the University Grants Commission is to be followed for the purpose of appointing the teachers in schools. This apart, the writ petitioner had participated in Certificate Verification in the year 2014, and thereafter, the process of selection for appointment to the post of B.T. Assistants has undergone changes. Now, the Teacher Recruitment Board is conducting selection and issuing notifications, by following the recruitment rules in force. The petitioner has not passed the Teachers Eligibility Test (TET) at the relevant point of time. For all these reasons, the case of the writ petitioner has not been considered for appointment to the post of B.T. Assistants.

6. In the opinion of this Court, the candidates who acquire educational qualification through Open University system are not eligible for appointment to the teaching posts. Teaching posts are to be filled up only from and out of the candidates, who possess the educational qualification obtained through the regular educational pattern, as described by the University Grants Commission and there cannot be any violation in this regard. The authorities competent, while undertaking the

process of selection, have to follow the rules in force, strictly and scrupulously. Mere participation in the Certificate Verification will not confer any right on the writ petitioner to claim appointment.

7. This Court is of an opinion that the case of the writ petitioner, when, she has not studied in a regular educational pattern, as described by the University Grants Commission and claims that she had participated in the Certificate Verification and no appointment order has been issued to her, deserves no merit consideration. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mkn

To

1.The Member-Secretary,
Teacher Recruitment Board,
College Road,
Chennai - 600 006.

2.The Director of School Education,
College Road,
Chennai - 600 006.

+lcc to Mr.G.Punniyakotti, Advocate, S.R.No.65711.

+lcc to the Government Pleader, S.R.No.65853.

W.P.No.21092 of 2014 and
M.P.No.2 of 2014

rrs 22/10/2018

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