

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 20.06.2018	Delivered on 09.07.2018
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CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.734 of 2014

K. Priya

..Appellant/Petitioner

versus

The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
DPI Compound,
Ethiraj Salai, Chennai.

..Respondent/Respondent

Appeal filed against the order passed by this Court dated 11.04.2014 passed in W.P.No.768 of 2014. This writ petition filed under Article 226 of the constitution of India praying to issue a writ of certiorarified of Mandamus to calling for the records of the proceedings relating to Roll No.13PG31010069 in the Tamil Subject Tentative Provisional Selection List After Certificate Verification pertaining to the Direct Recruitment of Post Graduate Assistants Examination for the year 2012-2013 as uploaded in the respondent website http://111.118.182204/TRB_PG_Tamil_FinalResult/ResultPrint.aspx?RollNo=13PG31010069 dated 3.1.2014 and quash the same as illegal and wholly without jurisdiction and to further direct the respondent to include the petitioner in the final list of selected candidates

For appellant : Mr.V.Raghavachari
For Respondent : Mr. C.Munusamy
Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The challenge in this Intra Court Appeal is to the judgment of the learned Single dated 11.04.2014 made in WP No.768 of 2014, in and by which, the Writ Petition filed by the appellant seeking a Writ of Certiorarified Mandamus to quash the provisional selection list published by the respondent Board on 03.01.2014 and to include the name of the appellant in the final list of selected candidates.

2. The appellant had applied for direct recruitment to the post of Post Graduate Assistant in Tamil, pursuant to an advertisement published by the respondent Board on 09.05.2013. After having participated in the written examination, the appellant was called for Certificate verification. At the time of Certificate verification, the appellant was informed that she was not qualified on the ground that she had studied the Post Graduate Degree in Tamil (M.A.Tamil) and B.Ed., simultaneously during the same academic year.

3. Challenging the said rejection, the appellant had come forward with the above Writ Petition as stated supra.

4. The Writ Petition was resisted by the respondent Board contending that the appellant was passed SSLC (10th Standard) in 2001, Higher Secondary (12th Standard) in 2003, had completed her Under Graduation in Tamil on 22.12.2009 and pursued her Post Graduation in Tamil during the years 2009 to 2011. Simultaneously the appellant had undergone B.Ed. during the year 2011 and had completed the same in 2011. Therefore, according to the respondent Board, such simultaneous completion of the required qualification is indeed a disqualification for a person for being considered for the post of Post Graduate Assistant.

5. Upon hearing the parties the learned Single Judge, following the judgment of this Court in S.Jagadeeswari v. The Chairman, Teachers Recruitment Board, Chennai, made in WP No.30299 of 2012, which was confirmed in the Writ Appeal No.845 of 2013, dismissed the Writ Petition, holding that such simultaneous acquisition of two degrees would certainly disqualify the appellant for being considered for appointment.

6. Aggrieved the appellant is before us by way of this Intra Court Appeal.

7. We have heard Mr.V.Raghavachari, learned counsel appearing for the appellant and Mr.C.Munusamy, Special Government Pleader (Edn.) appearing for the respondent.

8. Mr.V.Raghavachari, learned counsel appearing for the appellant would contend that the notification issued by the Teachers Recruitment Board as well as the prospectus do not prescribe that such simultaneous pursual of two different courses in the same academic year as a disqualification, in other words the contention of the learned Counsel is that there is no Rule prohibiting such Degrees being obtained simultaneously.

9. Per contra, Mr.C.Munusamy, Special Government Pleader (Edn.) appearing for the respondent Board would contend that the point involved in this Appeal is squarely covered by the Judgment in S.Jagadeeswari's case, which was confirmed in Writ Appeal No.845 of 2013.

10. We have considered the rival submissions. We must at the outset observe that the appellant seeks appointment as a Teacher. The qualifications that are required have been prescribed by the Teachers Recruitment Board. With the advent of Distance Education several short cuts have been devised by the Universities which vie with each other in granting Degrees and Diplomas. This has seriously impaired the quality of the Education. It has been an arduous task for the respondent Board to identify such short cut methods and to disqualify persons who come up with the claim of having the requisite qualification obtained through these short cut methods. Fortunately, as of now several of these short cut methods have been identified and the candidates acquiring such qualifications through the short cut methods have been disqualified.

11. It is also seen that the Madras University had by its letter dated 02.01.2011 addressed to the Chairman of the respondent Board had opined that candidates who had obtained the qualifying degree in a subject and B.Ed. in the same calendar year by undergoing one of them through the Open University and another in the regular stream has not been recognized so far. In view of the clarification issued by the Madras University, the respondent Board had considered such candidates ineligible for appointment. The fact that the appellant had undergone two courses viz. Post Graduation in Tamil and B.Ed. during the same academic year is not in dispute.

12. According to Mr.V.Raghavachari, in the absence of any prohibition the appellant cannot be held to be disqualified. We are afraid such a submission cannot be countenanced in view of the categorical pronouncement of this Court in S.Jagadeeswari's case, cited supra, which has been referred in extenso by the learned Single Judge. We do not want to burden this Judgment by reproducing from the said judgment. The judgment in S.Jagadeeswari's case, made in WP No.30299 of 2012 has been affirmed by a Division Bench of this Court in WA No.845 of 2013 on 07.01.2014.

13. In view of the said Division Bench judgment, we do not see any reason to interfere with the conclusions of the learned Single Judge and hence the Writ Appeal fails and it is dismissed. However in the circumstances of the case, there will be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jv

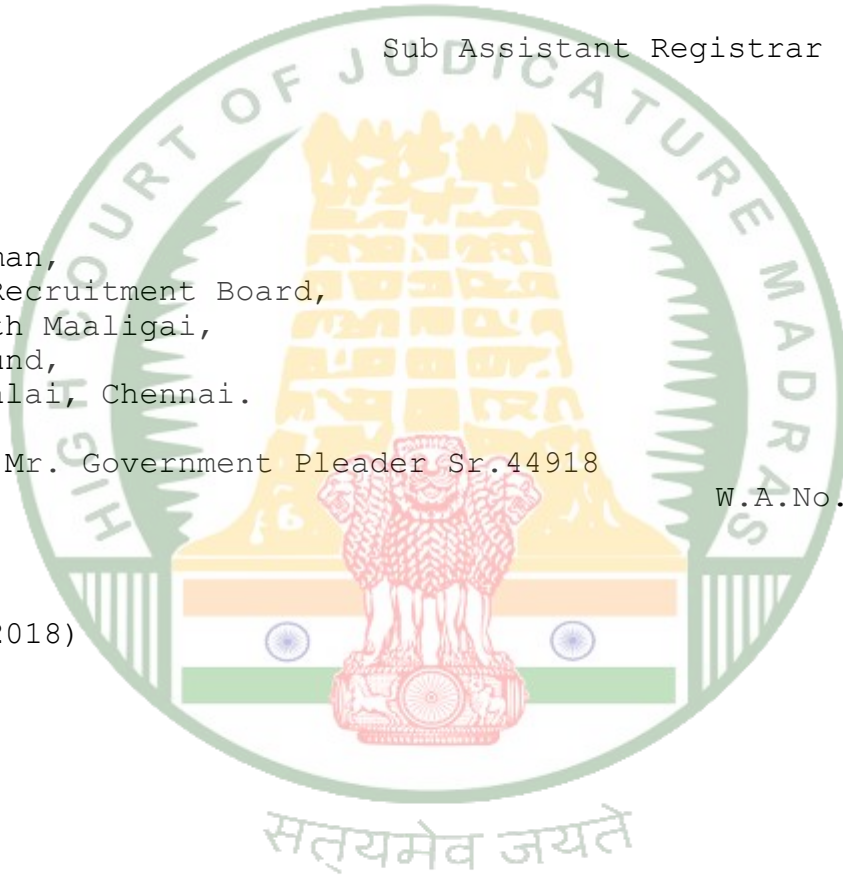
To

The Chairman,
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DPI Compound,
Ethiraj Salai, Chennai.

+ 1 cc to Mr. Government Pleader Sr.44918

W.A.No.734 of 2014

RJ(CO)
EU(17/07/2018)



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