

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM :

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

Review Application (Writ) No.269 of 2014
against
W.P.No.33881 of 2012

M.Somu

.. Petitioner

Vs

1.Government of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort St. George,
Chennai – 600 009.

2.Teacher's Recruitment Board,
Rep. by its Member Secretary,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai – 600 006.

.. Respondents

PRAYER: Petition filed under Section 114 of Code of Civil Procedure, to review the order passed by this Court in W.P.No.33881 of 2012, dated 19.03.2013 and allow the writ petition.

For Petitioner : Mr.S.Parthasarathy

For Respondents : Mr.K.Venkatramani, (for R1 and R2)
Additional Advocate General
Assisted by Mrs.M.E.Rani Selvam
Additional Government Pleader

ORDER

This Review Petition is filed against the order passed by this Court in W.P.No.33881 of 2012, dated 19.03.2013.

2.The learned counsel appearing for the Review Petitioner submitted that this Court has not considered the earlier order passed by this Court in W.P.No.6870 of 2013 dated 25.03.2013, whereby this Court has observed that rejecting the candidature of the petitioner on the ground that he has obtained the degree in reverse order, is not correct. The learned counsel further submitted that the petitioner had undergone B.Lit., 3 year course, whereas this Court has inadvertently held that the petitioner has undergone the course for a period of one year.

3.The respondent has filed a counter in the above Review Petition stating that the petitioner studied B.Sc., Physics U.G. Degree and then, M.A., Tamil, which is not the eligible qualification for the post of P.G.Assistant as per G.O.Ms.No.361 School Education Department, dated 31.12.1999.

4.I heard Mr.S.Parthasarathy, learned counsel appearing for the

Review Petitioner and Mr.K.Venkatramani, learned Additional Advocate General assisted by Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents.

5.On perusal of the typed set filed by the Review Petitioner, it is seen that the petitioner studied S.S.L.C. in the year 1988 with Tamil as Second language, thereafter, he had undergone Under Graduate Degree B.Sc., (Physics) in the year 1991 and completed M.A., (Tamil) in the year 1994 and subsequently, undergone B.Ed., in the year 1995 and passed Bachelor of Literature in Tamil in the year 2006 and passed M.Phil Degree in Tamil in the year 2009. Having possessed all the above qualifications, the Review Petitioner attended the examination for the post of P.G. Assistant/ Physical Education Directors Grade-I in Government Higher Secondary School for the year 2011-2012 conducted on 27.05.2012 and secured 112 marks and awarded 2 marks for the certificate verification, totaling 114 marks and was placed in the general term.

WEB COPY

6.The petitioner's candidature was rejected for the only reason that he has undergone the courses in a reverse order and it is not in accordance with G.O.Ms.No.361 School Education Department dated

31.12.1999. This Court, in a similar issue, has passed an order in W.P.No.6870 of 2013 dated 25.03.2013, wherein at paragraph No.4, it has been observed as follows:

"4.But, by virtue of G.O.Ms.No.361, Education, dated 31.12.1999, persons who had secured a Post Graduate Degree in a different subject than the subject in which Under Graduate Degree course was undergone, were made ineligible for appointment to the post of P.G.Assistants. Therefore, the petitioner went back to an Under Graduate course, as it has now become routine for people do courses in all orders, not necessarily in the chronological sequence, but in the reverse or even in perverse sequence. Anyway, the petitioner completed three year B.Lit., from Madras University. Therefore, on the date on which she applied for appointment, the petitioner had an Under Graduate Degree as well as a Post Graduate Degree in the same subject, undergone in the regular stream, from the University of Madras. In such circumstances, the rejection of her candidature in the ground that it was obtained in a reverse order is not correct."

7.It is admitted by the respondents that no appeal was filed as against the above said order and the same was also complied with. Therefore, this Court is of the view that the said order passed by this Court is squarely applicable to the facts of the present case. Further, the Review Petitioner has undergone B.Lit., Tamil, 3 years course during the period 2004-2006 and obtained a regular degree and the same is not in violation of the judgment of this Court reported in 2012 (5) CTC 129, (Thirunavukarasu v. State of Tamilnadu and others).

8. Therefore, the order passed by this Court in W.P.No.33881 of 2012 dated 19.03.2013 is recalled and the writ petition is allowed, directing the 2nd respondent to appoint the petitioner to the post of P.G. Assistant in Government Higher Secondary School and pass orders within a period of four weeks from the date of receipt of a copy of this order, if all other certificates produced by the petitioner are otherwise, in order. This Review Petition is ordered accordingly. No costs.

23.03.2018

vs

Index : Yes/No

Speaking order/Non-speaking order

To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai – 600 009.

2. The Member Secretary,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai – 600 006.

M.V.MURALIDARAN,J.

VS



Pre-Delivery order made in
Review Application (Writ) No.269 of 2014
against
W.P.No.33881 of 2012

WEB COPY

23.03.2018