

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.04.2018
CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.27298 of 2017 and
WMP.No.29144 & 29145 of 2017

1. A.Selvam
2. V.Radhakrishnan
- 3.S.Ganesan
- 4.B.Maheswari
- 5.R.Baskaran
- 6.S.Jothi
- 7.B.Ganesan
- 8.M.Subburaj

... Petitioners
Vs

1. The State of Tamil Nadu
rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009.
2. The State of Tamil Nadu,
rep. by its Secretary to Government,
Higher Education Department,
Secretariat, Chennai 600 009.
3. The Tamil Nadu Public Service Commission,
rep. by its Secretary,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai 600 003.
- 4.The Equivalence Committee,
rep. by its Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai 600 003.
- 5.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
- 6.The Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, EVK Sampath Maligai,
College Road, Chennai 600 006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the

Constitution of India praying to issue Writ of Certiorarified mandamus calling for the entire records relating to the file of the 1st respondent's impugned G.O.Ms.No.81, School Education (M1) Department, dated 26.03.2012 and qualification of the drawing teachers in Serial No.4(b) of the 7th respondent's impugned Notification No.5/2017, dated 26.07.2017 and quash the same and further direct the 1st and 2nd respondents to refer the issue before the 5th respondent/equivalence Committee as to whether a Diploma in Fine Arts (5 years Course) awarded by Director of Technical Education and Bachelor Degree in Fine Arts awarded by the Madras Univeristy and Bharathidasan University are equivalent to Diploma in Painting and Drawing etc., with Technical Teachers Certificate and thereafter the 5th respondent to conduct appropriate enquiry and submits its report before the 1st respondent and on receipt of the Reports from the 5th respondent, the 1st respondent and to pass appropriate orders within the stipulated Time.

For Petitioner : Mr.J.Agni Selvaraju

For R1, 2,5 & 6 : Mr.A.Raja Perumal, Spl.G.P.

For R3 & 4 : Mr.M.Loganathan

ORDER

The writ petition is filed for the issuance of a Certiorarified Mandamus calling for the entire records relating to the file of the 1st respondent's impugned G.O.Ms.No.81, School Education (M1) Department, dated 26.03.2012 and qualification of the drawing teachers in Serial No.4(b) of the 6th respondent's impugned Notification No.5/2017, dated 26.07.2017 and quash the same.

2. According to the petitioner, the action of the respondent is arbitrary as those who have acquired the general qualification namely, SSLC with diploma in free-hand culture and model drawing higher grade etc., with technical teachers certificate(T.T.C.) are only appointed as drawing teachers/Arts Teachers through direct recruitment as per the seniority in the employment office till the date of notification issued by the sixth respondent on 26.07.2017. After the said amendment, the sixth respondent had published A.No.1/2013, on 08.05.2013, for filling up various posts of Special Teachers (Physical Education, Drawing, Music and Sewing). In the said advertisement, it was mentioned that the drawing teacher must possess Technical Teachers Certificate. Unfortunately, it includes Diploma and Degree in Fine Arts in the present notification and that these degree holders have not undergone

and obtained T.T.C and that T.T.C. is one of the recognized qualification for technical teachers. The Government has not considered as to the nature of education and ethics that has got to be imparted. The Special Teachers like Music and Sewing should also possess the TTC qualification, but at the same time, for drawing teachers, the first respondent has ruled out the TTC qualification for the degree holders of diploma in fine arts.

3. Referring to the orders passed by this Court in W.P.No.4038 of 2010, dated 10.03.2010, the learned counsel for the petitioner contended that unless and until a person goes through the Technical Teacher Certificate course by issuance of a present G.O., which is impugned in the writ petition adding Diploma and Degree Course without TTC Certificate which is a pre-requisite for entry into any educational certificates and unless it is mandatory, the G.O., has to be held as bad. A reading of the judgment would make it very clear that the relief sought for by the petitioner therein, was not granted wherein the petitioner therein had sought for a direction to permit him to attend the interview in the matter of selection of appointment to the post of Art Master in Secondary education to be conducted by the Teachers Recruitment Board. This Court has held that TTC qualification was essential.

4. It is stated that as long as the certificate Rules are not amended, the petitioner cannot contend that he being a degree holder should be considered for the post. It has been categorically stated that the rules for the said post require a TTC certificate and as the Rules were amended, the learned Judge rejected the relief sought for by the petitioner therein. In the present case, by G.O.Ms.No.81, School Education (M1) Department, dated 26.12.2012, which is impugned in the writ petition, in exercise of the powers conferred under the provisions of Article 226 of the Constitution of India, the amendment was made to the said Rules in the Tamil Nadu School Educational Subordinate Service and that pursuant to the amendment, a diploma in fine arts awarded by the Director of Technical Education or a Degree in Fine Arts awarded by the Madras University or the Bharathidasan University was included. Even though the petitioner drew the attention of this Court to G.O.Ms.No.190, Tourism and Religious Endowment Department, dated 30.10.2009 and contended that the qualification is mentioned only for the purpose of getting employment and not for any other purpose and that there is no course undertaken, this Court is of the view that in the present case, the Rules have been amended only for securing the teachers for employment purpose. The said G.O. referred to by the petitioner, mentioned supra namely G.O.Ms.No.190, Tourism and Religious Endowment Department, will not help and support the case of the petitioner as there is no

arbitrariness in the G.O. issued.

5. This Court is of the view that the relief sought for by the petitioner cannot be granted. That apart, the G.O.Ms.No.190, dated 30.10.2009 states that the recommendations of TNPSC have been perused by the Government and accordingly, it has been ordered that the Diploma in fine arts (Five years course) is equivalent to Bachelor of Fine Arts awarded by the Government College of Fine Arts (Chennai and Kumbakonam) after 1987-1988.

6. Hence, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu
School Education Department,
Secretariat, Chennai 600 009.
2. The Secretary to Government,
State of Tamil Nadu
Higher Education Department,
Secretariat, Chennai 600 009.
3. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

- +1 cc to Mr.J.Agni Selvaraju Advocate sr 24892
+1 cc to Mr.M.Loganathan Advocate sr 24893
+1 cc to the Govt pleader sr 25175 & 25181

W.P.No.27298 of 2017

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