

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.04.2018
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.42172 of 2006

S.Padmavathi

... Petitioner

Vs.

1.Government of Tamilnadu,

Rep. by Secretary to Government
School Education Department,
Fort St.George,
Chennai - 9.

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

3.The Teachers Recruitment Board,
Rep. by Member Secretary,
College Road,
Chennai - 600 006.

4.The Registrar,
Periyar University,
Salem.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent issued in relation to Na.Ka.No.1724/A2/06 dated 26.10.06 and quash the same and issue a consequential direction to select and appoint the petitioner as Graduate Assistant - Botany.

For Petitioner : Mr.S.A.Saseetharan

For Respondent : Mr.R.Govindasamy for R1 to R3

Special Government Pleader

Mr.L.P.Shanmugasundaram for R4

Special Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent issued in Na.Ka.No.1724/A2/06 dated 26.10.2006 and to quash the same and issue a consequential direction to select and appoint the petitioner as Graduate Assistant - Botany.

2.The learned counsel appearing for the petitioner would submit that the petitioner possess B.Sc. Micro Biology. The said subject is equivalent to Botany in view of the Government Order in G.O.No.254, dated 22.10.1998. He would further submit that the very same issue was raised before the Hon'ble Division Bench of this Court in W.A.No.1093 of 2009 and the Hon'ble Division Bench vide order dated 06.11.2009 allowed the writ appeal.

3.Heard both sides.

4.It is useful to extract hereunder the relevant portion of the decision of the Hon'ble Division Bench of this Court in W.A.No.1093 of 2009 (A.Amudhavalli Vs. 1.The State of Tamil Nadu, rep. by the Secretary to Government and another) dated 06.11.2009:

"12.By the letter (G) No.71 School Education dated 06.06.2002, Secretary to Government has written to the Director of School Education clarifying that there is no impediment for appointing Graduates in Bio-Chemistry with B.Ed. as Science Graduate Teacher. Likewise in the guidelines and procedure for admission to B.Ed./ M.Ed./ M.Phil (Edn)/ Ph.D (Edn) courses for the year 2005-2006 it was clarified that candidates who have done their U.G. Degree in Micro-Biology can apply Biology optional in B.Ed. The relevant portion of the said guidelines reads as under:-

"Candidates who have done their U.G. Degree in Applied chemistry, Bio-Chemistry or Applied Physics can apply for Chemistry and Physics optional respectively in B.Ed., those who have done Environmental Science and Micro-Biology can apply Biology optional in B.Ed. and similarly candidates with Applied Geography in UG degree can apply for Geography optional."

14.While considering the case of the Appellant who is a graduate in Micro-Biology, Respondents ought to have considered B.Sc. Micro-Biology as equivalent to Botany in the light of G.O.Ms.No.254 dated 22.10.1998 and treated the subject equivalent to degree in Botany/ Zoology. Of course, G.O.Ms.No.254 dated 22.10.1998 was not brought to the notice of the learned single Judge. Case of the Appellant was not considered in the light of the Government Order then in force and in

such view of the matter, the order of the learned single Judge cannot be sustained.

16.In the result, the order of the learned single Judge in W.P.No.3923/2007 dated 27.08.2008 is set aside and this Writ Appeal is allowed. Respondents are directed to consider the Appellant for the post of Science Graduate Teacher (Botany) in the light of G.O.Ms.No.254 School Education (D2) Department dated 22.10.1998 for future recruitment. When the Appellant makes such application, the age will not be a bar. Consequently, connected M.P.No.1/2009 is closed."

5.In view of the decision cited supra, I am inclined to extend the same benefit to the petitioner. However, the prayer sought for in the writ petition cannot be granted now, but in future vacancy, the petitioner's qualification may be considered in the light of the decision cited supra.

6.With the above observation, the writ petition is disposed of. No Costs.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

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

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

3.The Teachers Recruitment Board,
Rep. by Member Secretary,
College Road,
Chennai - 600 006.

4.The Registrar,
Periyar University, Salem.

+1 CC to Mr.L.P.Shanmugasundaram Advocate SR.NO.31582

W.P.No.42172 of 2006

VS (18/05/2018)