

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31041 of 2018

K.Kalpana

... Petitioner

Vs

- 1.The Tamilnadu Teachers Recruitment Board
rep.by its Chairman / Member Secretary
EVK Sampath Maligai, College Road
Chennai - 600 006.
- 2.The Government of Tamilnadu
rep.by its Secretary, Personnel & Administrative
Reforms (M) Department, Secretariat
Chennai - 600 009.
- 3.The Director, Directorate of School Education
DPI Campus, College Road, Nungambakkam
Chennai - 600 006.
- 4.The University of Madras, rep.by Registrar
Chepauk, Chennai 600 005. Respondents

For Petitioner : M/s.K.Balu
For Respondents : Ms.P.Kavitha,
Govt.Advocate (Education)
- for R1 to R3
Mr.L.P.Shanmugasundaram -
for R4

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to consider the petitioner's qualification of M.Sc., B.Ed., Bio Chemistry is equivalent to Chemistry and also consider to teach Science subject at High School level based on the recommendations of the fourth respondent dated 01.03.2018 in W.P.No.25718 of 2012, consequently direct the respondents 1 to 3 to appoint the petitioners as Graduate Teacher (B.T.Assistant) forthwith.

O R D E R

This writ petition has been filed seeking direction to the respondents to consider the petitioner's qualification M.Sc., B.Ed., Bio Chemistry as equivalent to Chemistry and also to permit the petitioner to teach Science subject at High School level based on the recommendations of the fourth respondent dated 01.03.2018.

2. The petitioner has studied M.Sc., B.Ed., Bio Chemistry and also completed M.Phil. She appeared for the Tamil Nadu Eligibility Test for the appointment of Graduate Teacher on 07.09.2012 and she also attended the certificate verification on 16.12.2012. She was selected, but was not appointed on the ground that she possessed graduation degree in Bio Chemistry and not in Chemistry. Therefore, the third respondent has requested the Government to clarify as to whether Bio Chemistry as equivalent to Chemistry. This clarification was sought for based on the recommendation of the fourth respondent vide G.O.Ms.No.228 dated 04.11.2013.

3. Learned counsel for the petitioner submits that a similarly placed candidate had filed W.P.No.25718 of 2012, challenging G.O.Ms.No.24 dated 04.02.2011 and G.O.Ms.No.122 dated 04.06.2012 and to declare B.Sc.. Bio Chemistry as eligible qualification for the post of B.T.Assistant in Tamil Nadu Secondary Education service. This Court passed the following order dated 01.03.2018 in the said writ petition.

"...the Board of Studies in Biochemistry (Common Board) of the University at its meeting held on 14.11.2014 has made deliberations on the item No.4 of the G.O.Ms.No.228 Higher Education (K2) Department, dated 04.11.2013 and made the following resolutions.

1. RESOLVED that a B.Sc. Biochemistry graduate with B.Ed is eligible to teach Science subjects (Chemistry and Biology) at High School level.
2. RESOLVED to recommend to TNPSC and TRB to consider B.Sc. Biochemistry graduates with B.Ed as eligible to teach science subjects (Chemistry and Biology) at High School level.

Accordingly a letter has been sent to the Secretary, Higher Education Department, Secretariat and the Secretary, Personnel and Administrative

Reforms Department, Secretariat, Chennai
on 22.05.2015 informing the above
recommendations".

The writ petition was directed to be disposed of in the
light of the above observations.

4. Heard Ms.P.Kavitha, Govt.Advocate (Education) for
respondents 1 to 3 and Mr.L.P.Shanmugasundaram for the fourth
respondent.

5. Considering the similarity of the fact and in the
circumstances of this case, this Court deem it appropriate to
pass orders in the light of the earlier order of this Court in
W.P.No.25718 of 2012. Accordingly, the fourth respondent is
directed to issue clarification with respect to the issues
raised in the representation dated 04.09.2018 (of the
petitioner) within a period of four weeks from the date of
receipt of a copy of this order. Registry is directed to
enclose a copy of the order in W.P.No.25718 of 2012 along with a
copy of this order. The writ petition is ordered accordingly. No
costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman / Member Secretary
The Tamilnadu Teachers Recruitment Board,
EVK Sampath Maligai, College Road
Chennai - 600 006.
2. The Secretary,
The Government of Tamilnadu
Personnel & Administrative
Reforms (M) Department, Secretariat
Chennai - 600 009.

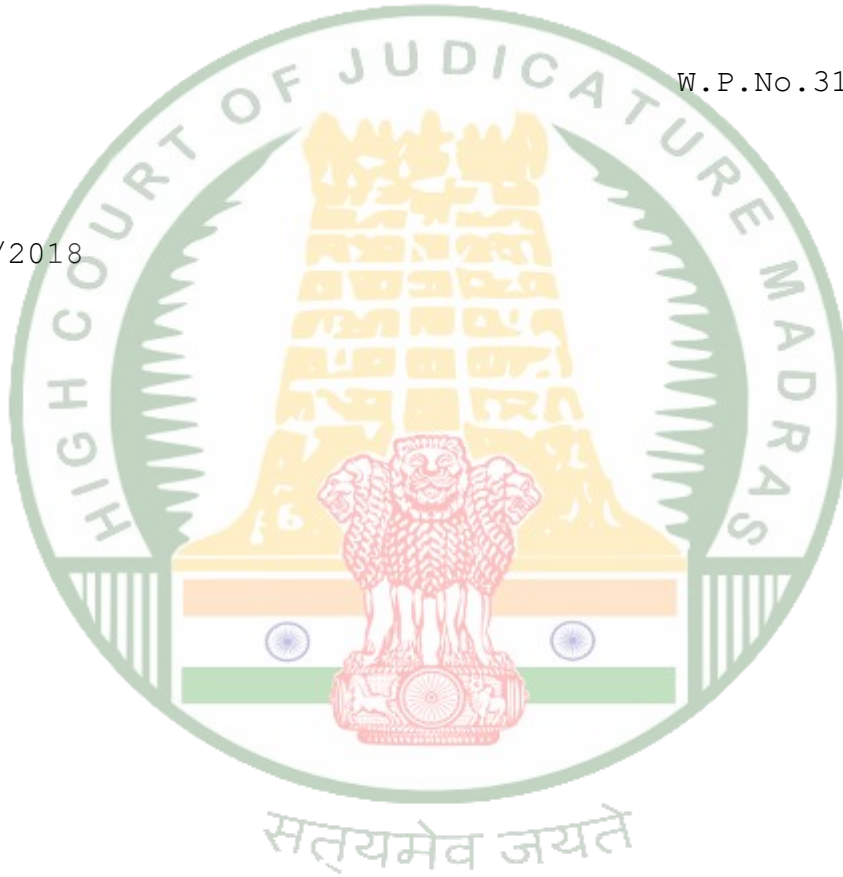
3.The Director, Directorate of School Education
DPI Campus, College Road, Nungambakkam
Chennai - 600 006.

4.The Registrar,
The University of Madras,
Chepauk, Chennai 600 005.
(Copy of order in W.P.No.25718/2012 dated 1.3.2018 enclosed)

+1cc to Mr.K.Balu, Advocate Sr.80563

W.P.No.31041 of 2018

rj[col]
srg 27/11/2018



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