



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**RESERVED ON : 21.06.2018**

**PRONOUNCED ON : 29.06.2018**

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU  
AND  
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

**W.A(MD)NO.157 OF 2018**

N.Thamaraichelvi :Appellant/Writ Petitioner  
.vs.

1. The State of Tamil Nadu,  
represented by its Principal Secretary,  
Higher Education Department,  
Chennai - 600 009.
2. The Tamil Nadu Teachers Education University,  
represented by its Registrar,  
Lady Willington College Campus,  
Kamarajar Salai,  
Chennai - 600 005.
3. S.M.R.College of Education,  
Nataraj College of Education,  
Nataraj Nagar,  
Pudukkottai Main Road,  
Mathur - 622 515,  
Pudukkottai District.

: Respondents/Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.749 of 2013, dated 05.06.2017.

Prayer in WP(MD)No. 749 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for records pertaining to the impugned order in No.TNTEU/R/Eligibility/CC/11614/2012/2537 dated 17.12.2012 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents to permit the petitioner to complete the B.Ed (English) course with the 3rd Respondent College of Education within the time stipulated by this Honble Court.



For Appellant

:Ms.J.Meenakshi  
for M/s.T.Lajapathi RoyFor Respondents  
1 and 2:Mr.M.Muthu  
Addl.Govt.Pleader

WEB COPY

**JUDGEMENT**

\*\*\*\*\*

[Judgement of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order made in W.P(MD) No.749 of 2013, dated 05.06.2017.

2.The appellant is the Writ Petitioner. She challenged the proceedings of the second respondent, dated 17.12.2012 and consequently, sought for a direction to the respondents to permit her to complete B.Ed(English) Degree Course in the third respondent/College. She also filed another Writ Petition in W.P (MD)No.2720 of 2013 seeking for a mandamus directing the respondents 2 and 3 to permit her to appear for the B.Ed Degree Practical Examinations commencing from 25.02.2013 onwards and for the Written Examination commencing from the month of May 2013 onwards.

3.The second respondent/University, through order dated 17.12.2012, refused to approve the admission of the Writ Petitioner to the B.Ed Degree Course in the third respondent/institution on the ground that she has not completed regular education under 10+2+3 pattern as required under G.O.Ms.No.115, Higher Education Department, dated 28.06.2012, which sets out the educational qualification to the candidates for admission to B.Ed Degree Course during the year 2012-2013.The Writ Court after considering the facts and circumstances and by following the various decisions rendered by this Court as well as the Honourable Supreme Court, found that the Writ Petitioner does not satisfy the qualification prescribed by the second respondent/University and therefore, the University was right in refusing to approve her admission to B.Ed Degree Programme. Accordingly, the Writ Court dismissed both the Writ Petitions. However, the present Writ Appeal is filed only against the order made in W.P(MD)No.749 of 2013, thereby leaving the order made in W.P(MD)No.2720 of 2013 to become final and conclusive.

4.The learned counsel for the appellant mainly relied upon two Government Orders passed in G.O(1D)No.158, Higher Education Department, dated 11.05.2017 and G.O(1D)No.94, Higher Education (G1) Department, dated 21.03.2018 in support of the appellant that she was fully qualified to get admitted in B.Ed Degree Course at the relevant point of time and therefore, the impugned order of the University confirmed by the Writ Court cannot be sustained in



the eye of law. He further contended that in view of the order passed in W.A(MD)No.220 of 2017, dated 17.04.2017, the qualification prescribed in G.O.No.158 and G.O.No.94 are to be applied retrospectively to the case of the Writ Petitioner as well.

5. On the other hand, the learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the appellant was not having the requisite qualification for getting admission to the B.Ed Degree Course at the relevant point of time and therefore, the University has rightly rejected to approve the admission of the Writ Petitioner.

6. Heard the learned counsel for the appellant and the learned Additional Government Pleader appearing for the respondents 1 and 2.

7. The undisputed facts before this Court is that the Writ Petitioner/appellant completed her 10<sup>th</sup> standard and thereafter, pursued her three year Diploma Course in Civil Engineering and completed the same during the year 2005. It is also not in dispute that thereafter, the Writ Petitioner/appellant pursued B.A (English) Course through Distance Education Stream, during the year 2009-2012 and completed the same on 25.09.2012. It is also not in dispute that the appellant thereafter joined B.Ed Degree Course in the third respondent's Institution with the above educational qualification. There is no dispute to the fact that the eligibility and educational qualification for admitting the students into B.Ed Degree Course in the affiliated colleges of the University of the Tamil Nadu Teacher's Education University is fixed periodically and the eligibility and educational qualification applicable to the Writ Petitioner's admission at the relevant point of time is spelt out in G.O.Ms.No.115, Higher Education Department, dated 28.6.2012. Perusal of the said G.O.Ms.No.115, which is also extracted by the Writ Court in its order, would show that the candidates should have undergone 10+2+3(15) or 11+1+3(15) pattern of study and should have passed the qualifying examination conducted by the State Board or CBSE or any other recognized Board of Education/Examination.

8. Admittedly, the Writ Petitioner has not undergone the +2 Course. However, it is claimed by the Writ Petitioner that her Diploma in Civil Engineering with duration of three years is to be treated as equivalent to +2 Course. In support of such contention, the Writ Petitioner relied on G.O.Ms.No.242, Higher Education (P1) Department, dated 18.01.2012. It is seen from the said Government Order that the same was issued in respect of employment in Government Departments, which is nothing to do with the educational qualification fixed for the B.Ed Degree Course, as the same is governed only by G.O.Ms.No.115, Higher Education Department, dated 28.06.2012 issued during the relevant point of time. We have already found that G.O.Ms.No.115 does not permit the qualification as such acquired by the Writ Petitioner at the



relevant point of time as the eligible one for admission to B.Ed Degree Course. In other words, the three year Diploma Course was not considered as equivalent to +2 Course. No doubt, the educational qualification was subsequently widened in the year 2017-2018 and 2018-2019 as shown in G.O.(1D) No.158 and G.O.Ms.No.94 respectively, by including a clause in the eligibility criteria to the effect that the three year Diploma in Engineering shall be treated as equivalent to +2 Course, for the purpose of eligibility for admission.

9.Now, those two Government Orders are taken advantage of by the Writ Petitioner to sustain her admission. We are unable to appreciate the contention of the appellant for the simple reason that these two Government Orders were passed in respect of the academic year 2017-2018 and 2018-2019. Needless to state that the fixation of educational qualification for admitting students to a particular course for a particular academic year cannot be applied retrospectively and on the other hand, only the relevant Government Order which governed the field at the relevant point of time alone has to be looked into to find out as to whether the educational qualification of the Writ Petitioner would fit in to the requirement of such eligibility criteria. In this case, admittedly, the Petitioner did not possess such educational qualification as on the date of her admission into B.Ed Degree Course, as required under G.O.Ms.No.115, Higher Education Department, dated 28.06.2012. It is true that the Division Bench of this Court in an order passed in W.A(MD)No.220 of 2017, dated 17.04.2017 found that the benefit of G.O.Ms.No.242, Higher Education (P1) Department, dated 18.01.2012 will have the effect from the date on which the candidate acquired the qualification. We find it very difficult to accept the claim of the appellant to apply the said order of the Division Bench to the present case, since We find that the facts and circumstances of both cases are totally in a different footing.

10.In the present case before us, the issue involved is with regard to the eligibility criteria for B.Ed Degree Course during 2012-2013, whereas the issue before the Division Bench in the said case was whether the Writ Petitioner therein was in possession of the requisite qualification for being considered as B.T.Assistant. Further, an educational qualification considered as equivalent to a particular decree or diploma at a latter point of time that too for employment purpose, cannot be treated at par with the educational qualification prescribed for admission into a course for the particular academic year. Therefore, We do not find that the said order of the Division Bench will help the appellant for the proposition that the eligibility criteria fixed in G.O.Ms.Nos.94 and 158 will have to be applied retrospectively. <https://hccasescour.gov.in/Weervices/> We find that the appellant has not made out a case to interfere with the order of the learned Single Judge, who has considered the merits of the case in detail and rightly dismissed



the Writ Petition. Thus, We find no merit in the Writ Appeal. Accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar(crl side)

WEB COPY/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,  
Government of Tamil Nadu,  
Higher Education Department,  
Chennai - 600 009.
2. The Registrar,  
Tamil Nadu Teachers Education University,  
Lady Willington College Campus,  
Kamarajar Salai,  
Chennai - 600 005.

+1cc to Spl.Government Pleader Sr.No.70540

VB/RSK/SAR1/12.07.2018/5P/4C

**JUDGEMENT MADE IN**  
**W.A(MD)NO.157 of 2018**  
**29.06.2018**