

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.803 of 2018
&
W.M.P.No.973 of 2018

G.Aravamudhan

..Petitioner

vs

1.The Tamil Nadu Public Service commission
Rep. by its Secretary
Frazer Bridge Road, VOC Nagar,
Chennai 600 003

2.The Controller of Examinations
The Tamil Nadu Public Service Commission
Frazer Bridge Road, VOC Nagar,
Chennai 600 003

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the recruitment for the Post of District Educational Officer in the Tamil Nadu Educational Service (2012) and quash the same in so far as it relates to the Petitioner declaring the Petitioner as not satisfying the eligibility conditions and direct the Respondents herein to select and appoint the Petitioner herein as District Educational Officer under the category of Teachers employed in recognized Aided Secondary Schools or Higher Secondary Schools (Physics) pursuant to the notification dated 14.02.2014 of the 1st respondent herein.

For Petitioner : Ms.A.L.Gandhimathi

For Respondents : Dr.M.Devendran
Standing Counsel

O R D E R

The prayer sought for in this Writ Petition is to call for the records relating to the recruitment for the Post of District Educational Officer in the Tamil Nadu Educational Service (2012)

and quash the same in so far as it relates to the Petitioner declaring the Petitioner as not satisfying the eligibility conditions and direct the Respondents herein to select and appoint the Petitioner herein as District Educational Officer under the category of Teachers employed in recognized Aided Secondary Schools or Higher Secondary Schools (Physics) pursuant to the notification dated 14.02.2014 of the 1st respondent herein.

2. It is the case of the petitioner that the 1st respondent issued a notification bearing No.4/2014 dated 14.02.2014, inviting applications for the post of District Educational Officer. The number of vacancies sought to be filled up was 11, inclusive of 9 Posts from the open market and 2 posts from among the teachers employed in recognized Aided Secondary Schools or Higher Secondary Schools. Out of these 2 posts which were to be filled up from among the teachers employed in recognized Aided Secondary Schools or Higher Secondary Schools, one vacancy was to be filled up for the subject "Physics" and one vacancy was to be filled up for the subject "Chemistry". Out of the 11 vacancies for which recruitment was made, 2 posts were reserved for GT (General) and 2 posts were reserved for BC (General). Petitioner hails from Vadugar Community which is a recognized backward community in the State of Tamil Nadu. The petitioner participated in the selection process for the said post under the category of teachers employed in the recognized aided School from Physics Subject.

3. The prescribed qualification was Master's Degree of any University in the State of Tamil Nadu or Degree of equivalent standard with not less than 50% of marks in the Master's Degree examination and BT or B.Ed degree of any University in the State of Tamil Nadu or a Degree of equivalent Standard and must have studied Tamil under Part-I or Part-II of the intermediate or Pre-University or Higher Secondary Course. So far as recruitment to the vacancies in the subjects of Physics and Chemistry which are to be filled up from among the Teachers employed in recognized Aided Secondary Schools or Higher Secondary Schools, it has been prescribed that the candidates should have Teaching experience in a recognized Schools for a total period of not less than twelve years after acquiring the qualifications specified above.

4. After the examination, the first list of selected candidates was published by the 1st respondent on 10.11.2016, calling for the candidates whose numbers were enlisted for Certificate Verification on 21.11.2016. Thereafter, the petitioner's name was included in the second list published by

the 1st respondent on 16.12.2016, calling for certificate verification of the candidates whose Registration numbers were enlisted therein on 27.12.2016. The petitioner appeared before the 1st respondent for certificate verification and produced all the certificates vouch-saving that the petitioner had the required experience of 12 years teaching in recognized schools as on 14.02.2014.

5. The 1st respondent issued a publication dated 04.01.2017, calling for the candidates to appear for oral test on 19.01.2017, but petitioner's name was not included in the same. In the annexure to the said publication, it has been stated that the candidates with the registration numbers mentioned therein have not been considered, as they have not satisfied the eligibility conditions as per the norms stipulated in the notification during certificate verification phase II. As against the said rejection, the Writ Petition has been filed.

6. Ms.A.L.Gandhimathi, learned counsel appearing for the petitioner would submit that the petitioner has fulfilled the eligibility criteria as per notification dated 14.02.2014, namely, Master's Degree of any University in the State of Tamil Nadu or a Degree of equivalent standard with not less than 50% of marks, B.T. or B.Ed. Degree in of any university in the State of Tamil Nadu and must have studied Tamil under Part-I or Part-II of the intermediate or Pre-University or Higher Secondary Course.

7. She would further submit that, in respect of experience, the said vacancy in the subject of Physics is to be filled from among the teachers employed in the recognized Aided Secondary or Higher Secondary Schools having teaching experience in a recognized School for a total period of not less than 12 years. The petitioner was initially employed as Higher Secondary Teacher for a period of 6 years from 01.06.2001 to 31.05.2007 in Vallalar Higher Secondary School (Aided School), East Kottaiyur, kumbakonam and from 04.06.2007 to 31.05.2013, he served as PG Assistant in Town Higher Secondary School (Private school). From 03.06.2013 to 07.04.2016, the petitioner worked as the Head of the Department of Physics in Velammal Matriculation Higher Secondary School, Surapet. Therefore, the petitioner satisfies the eligible criteria for experience as per notification dated 14.02.2014. However, without considering the experience of the petitioner, non-inclusion of his name in the selection process is unsustainable. Hence, she prayed this Court to allow this Writ Petition.

8. Dr.M.Devendran, learned Standing Counsel, would submit that the petitioner does not possess the experience of 12 years teaching in recognized aided School as per eligibility criteria. At the time of notification, he was employed as the Head of the Department in Velammal Matriculation Higher Secondary School, which is the self finance School. Therefore, the respondents have rightly rejected the petitioner on the ground, lack of experience. Hence, he sought for dismissal of the Writ Petition.

9. Heard the counsel on either sides and perused the records.

10. From the submissions made, it is evident that the petitioner has satisfied the eligible criteria for Educational qualification and the question has been raised only with reference to his experience. On a perusal of the Special Rules for Tamil Nadu School Educational Service, as per Rule 6 (i), in respect of the District Educational Officer category, selection method is of Direct recruitment from among teachers employed in recognized aided Secondary School and candidates must have a teaching experience of not less than 12 years in a recognized school after acquiring the degree of B.T. or an equivalent qualification. Though the petitioner initially joined in the service of the aided School, at the time of notification he was working in the Private School. The details of the working experience of the petitioner are as follows:

Sl. No	Period	Name of the Institution	Duration of Experience
1	01.06.2001 to 31.05.2007	Vallalar Higher Secondary School, East Kottaiyur, Kumbakonam (Aided School) - Served as PG Assistant under Self Finance Section	6 years
2	04.06.2007 to 31.05.2013	Town Higher Secondary School, Kumbakonam - Served as PG Assistant under Self Finance Section	5 Years, 11 Months & 28 Days
3	03.06.2013 to 07.04.2016	Velammal Matriculation Higher Secondary School, Surapet (Mariculation School) - served as the Head of the Department of Physics	2 Years, 10 Months and 4 Days.

11. As per notification dated 14.02.2014, the candidates must be employed in recognized aided Secondary School

or Higher Secondary School with the experience of 12 years teaching. In the present case, the petitioner has only acquired 6 years of teaching experience in the recognized aided School and he was employed in the self finance School for the remaining period of 7 years. Hence, the petitioner has lack of experience and the respondents have rightly excluded the name of the petitioner from the selection process. Therefore, I am not inclined to interfere with the order passed by the Authorities.

12. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary

The Tamil Nadu Public Service commission
Frazer Bridge Road, VOC Nagar,
Chennai 600 003

2.The Controller of Examinations

The Tamil Nadu Public Service Commission
Frazer Bridge Road, VOC Nagar,
Chennai 600 003

+1cc to Ms.A.L.Gandhimathi, Advocate SR.84200

+1cc to Dr.M.Devendran, Advocate SR.83730

W.P.No.803 of 2018 &
W.M.P.No.973 of 2018

BR(CO)
CB(28/11/2019)

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