

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.503 of 2018
and W.M.P.No.597 of 2018

R.Mekala

...Petitioner

Vs

1. The Director of School Education
College Road, Chennai-6.

2. The Chief Educational Officer,
Salem District, Salem.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ or order by directing the respondents to appoint the petitioner to the post of BT Assistant (Geography) pursuant to her selection by the Teachers Recruitment Board with all consequential benefits with effect from 28.11.2017 on par with her colleagues with all attendant benefits including salary, increments, seniority and all other benefits.

For Petitioner : Mr.V.Vijayshankar

For Respondents : Mr.A.Rajaperumal
Additional Government pleader

सत्यमेव जयते
O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to appoint the petitioner to the post of BT Assistant (Geography), pursuant to her selection by the Teachers Recruitment Board with all consequential benefits with effect from 28.11.2017 on par with her colleagues with all attendant benefits including salary, increments, seniority and all other benefits.

2. The learned counsel for the writ petitioner states that the writ petitioner is fully qualified for the appointment to the post of BT Assistant (Geography) and pursuant to the recruitment notification, the writ petitioner participated in

the process of selection and was successful in written examination and she attended the interview. The writ petitioner participated in the interview also. However, the writ petitioner was not appointed though she was selected. In other words, the name of the writ petitioner was found in the selected list when she was waiting for an order of appointment to the post of BT Assistant (Geography) to her shock and surprise, she did not receive any appointment. On enquiry, the writ petitioner came to understand that her case was deferred on account of the fact that she had undergone the dual degree course with reference to her educational qualification of B.Lit and B.sc.

3. The learned counsel for the writ petitioner states that the respondents have not passed any orders in this regard, nor the writ petitioner had received any communication from the respondent with reference to her disqualification. In the absence of any specific order or communication from the respondents, the writ petitioner is entitled to be appointed in the post of BT Assistant (Geography) with reference to her selection already made.

4. This Court is of an opinion that, mere selection will not confer any right on the candidate to seek an appointment. Appointment can never be claimed as a matter of right. Even the Competent Authorities can defer appointment if any new materials are found after the completion of the selection process. Thus, the Courts have held that mere selection will not confer any right on the candidate to seek appointment on the basis of such selection. All selections are made subject to the conditions that the candidate fulfils the educational qualifications and other requirements and the eligibility criteria. In the present case on hand, the 2nd respondent filed a counter affidavit setting out the educational qualification acquired by the writ petitioner in para 5 which is extracted hereunder:-

"5. With reference to the averments made in para 7 of the affidavit, it is humbly submitted that the following are details of the petitioner's qualifications with courses and years of study.

S.No	Educational Qualification	Year of undergoing the Course	Month and Year passing	Name of the Board / University
1	SSLC	2003-2004	April 2004	Department of Government Examinations, Chennai-6.
2	H.Sc	2005-2006	June 2006	Department of Government Examinations, Chennai-6.

S.No	Educational Qualification	Year of undergoing the Course	Month and Year passing	Name of the Board / University
3	D.T.Ed	2006-2008	August 2008	Department of Government Examinations, Chennai-6.
4	B.Litt First year	2008-2009	May 2009	Annamalai University, Chidambraram.
	Second Year	2009-2010	May 2009	Annamalai University, Chidambraram.
	Third Year	2010-2011	May 2011	Annamalai University, Chidambraram.
5	B.Sc (Geography) First Year	2010-2011	May 2014	The Tamil University, Thanjavur.
	Second Year	2011-2012	May 2014	The Tamil University, Thanjavur.
	Third Year	2012-2013	May 2014	The Tamil University, Thanjavur.
6	B.Ed	2014-2015	May 2015	Tamil Nadu Teachers Education University, Chennai.

5. The 2nd respondent vide her proceedings Na.Ka.No.13607/A4/2017 dated 28.11.2017, had sought clarification from the Teachers Recruitment Board with regard to the qualifications of the writ petitioner as she had completed two degrees B.Lit and B.sc (Geography) simultaneously i.e., from July 2010 to May 2011. The Member Secretary of the Teachers Recruitment Board vide his proceeding dated 09.01.2018 had stated that the writ petitioner had completed two degree simultaneously and owing to this reasons her qualifications would not be valid for the purpose of appointment.

6. This Court is of an undoubted opinion that teaching faculty ought to be appointed only from and amongst the candidates, who had undergone the regular educational courses. It is not sufficient if a candidate has completed his/her degree, and they must establish that they had undergone the degree course through by attending regular classes and not through Open University or through Correspondence courses. Teaching is a noble profession and taking classes is an art in the class room. The students undergoing the education must be in a position to appreciate the teaching skills of the teacher and

the teachers have to impart the education by utilizing their experiences and skills in teaching. Thus, this Court has to made it clear that the candidates who secured degrees only through regular courses alone would be eligible to seek appointment for teaching faculties in Schools, Colleges and Universities.

7. This being the principles laid down in number of judgments, this Court is of an opinion that the writ petitioner who secured dual degree by undergoing two degrees during the same academic years would not be eligible for securing appointment, more specifically to the post of BT Assistant (Geography) in the Tamil Nadu Educational Service. Thus, the writ petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present petition and the writ petitioner stands dismissed as devoid of merits. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

Pkn/sbn

To

1. The Director of School Education
College Road, Chennai-6.

2. The Chief Educational Officer,
Salem District, Salem.

+1cc to Mr.V.Vijashankar, Advocate SR.No.9464

+1cc to Government Pleader SR.No.10228

NRL(CO)
GMY(28/02/2019)

W.P.No.503 of 2018

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