

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.7820 of 2010

Mr.S.Ramasamy

.. Petitioner

.Vs.

1.The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
College Road,
Chennai 600 006.

2.The Secretary to Government,
School Education Department,
Fort.St.George,
Chennai 600 009.

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

4.The Registrar,
Annamalai University,
Annamalai Nagar,
Cuddalore District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1-3 to consider the Post Graduate Decree of MSc.Organic Chemistry as eligible for appointment to the Post of Post graduate Assistant (Chemistry) in Tamil Nadu Higher Secondary Education Service and consequently direct the respondents 1 to 3 to appoint the Petitioner in the Post of PG Assistant (Chemistry) in accordance with his employment seniority by applying the rule of reservation and the petitioner's representation dated 23.03.2010.

For Petitioner : Mr.S.Thirumavalavan

For R 1 to R 3: Mr.P.Raja
Government Advocate

For R 4 : Mr.K.Sathish Kumar

O R D E R

The instant writ petition is for a Writ of Mandamus, directing the respondents to consider the petitioner for the Post of Post Graduate Assistant (Chemistry) in Tamil Nadu Higher Secondary Education Service and consequently direct respondents 1 to 3 to appoint the Petitioner in the Post of PG Assistant (Chemistry) in accordance with his employment seniority by applying the rule of reservation and the petitioner's representation dated 23.03.2010.

2.The petitioner is a post graduate in M.Sc (Inorganic Chemistry) in Annamalai University. The petitioner is also got B.Ed., degree from Madurai Kamaraj University. The petitioner states that he is fully qualified and eligible to be considered for the post of Post Graduate Assistant in Tamil Nadu Higher Secondary Education Service. The petitioner registered his name in the Employment exchange. The Board decided to fill all the existing vacancies in the cadre of Post Graduate Assistant under the Tamil Nadu Higher Secondary Education Service. The name of the petitioner was sponsored and the petitioner received a call letter dated 03.03.2010 from the 1st respondent for the purpose of certificate verification. The certificate verification was conducted on 12.03.2010 and the petitioner was informed that on verification, the "Inorganic Chemistry" is not equivalent to "Chemistry" and therefore his name could not be considered. The petitioner thereafter represented that his qualification M.Sc (Inorganic Chemistry) must be considered as equivalent to M.Sc.Chemistry. The petitioner also relied on the Government Order in GO.Ms.No.1622 Education Department dated 21.10.1988 and contended that during the Second Year, the students were allowed to choose the Special Branch in Chemistry viz; Organic, Inorganic and Physical Chemistry and therefore Post Graduate Degree holders in the special branch of a subject can be considered eligible to be appointed in the Higher Secondary Schools to teach the relevant subject in the General Branch. Since the representations were not considered, the instant writ petition has been filed.

3.Heard the learned counsel for the parties.

4.The facts are not in dispute that the petitioner is a M.Sc Chemistry graduate. The issue which arises for consideration is as to whether M.Sc Chemistry is equivalent to M.Sc (Inorganic Chemistry) and is the petitioner entitled to be appointed as a Post Graduate Assistant under Tamil Nadu Higher Secondary Educational Services. The petitioner's request was rejected on the ground since the petitioner has M.Sc (Inorganic Chemistry), he cannot be considered equivalent to M.Sc Chemistry.

5.G.O.Ms.No.1622 dated 01.10.1988, has been relied on the petitioner and the relevant portion of the

G.O.Ms.No.1622 dated 01.10.1988 is reads as under:

"2.In pursuance of the above orders the Director of School Education has recommended that the special rules may be amended by adding the following proviso after the fourth proviso in the annexure referred to in Rule 7(a) in item (i) in column (3) against the category "Teachers in Academic Subjects" in column (1):-

"Provided that the Post Graduate Degree holders in the special branch of a subject can be considered eligible to be appointed in the Higher Secondary Schools to teach the relevant subject in the General Branch."

3.The Government accept the above amendments suggested by the Director of School Education.

6.It is pertinent to mention that the Government on 30.04.2013 has brought out G.O.Ms.No.72 accepting the recommendation of the Equivalence Committee to state that M.Sc.Organic Chemistry, Analytical Chemistry, Inorganic Chemistry, Polymer Chemistry, Physical Chemistry, Industrial Chemistry are equivalent to M.Sc Chemistry. This G.O., can be said to be a declaratory G.O., and therefore will have retrospective effect. The petitioner therefore qualified to be appointed as Post Graduate Assistant. The reason to refuse to consider him for appointment as Post Graduate Assistant cannot be accepted. The respondents are therefore directed to consider the name of the petitioner for appointment to the post of Post Graduate Assistant if the petitioner is otherwise qualified to be appointed in the said services.

With the above observations, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

KP
To

1.The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
College Road,
Chennai 600 006.

2.The Secretary to Government,
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Fort.St.George,
Chennai 600 009.

3.The Director of School Education,
College Road, dPI Campus,
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4.The Registrar,
Annamalai University,
Annamalai Nagar,
Cuddalore District.

+1cc to Mr.S.Thirumavalavan, Advocate SR.No.84436

+1cc to Mr.K.Sathish Kumar, Advocate SR.No.83908

+1cc to Government Pleader, High Court, Madras SR.No.84575

W.P.No.7820 of 2010

PPA (CO)
GMY (22/11/2019)



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