

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2019

Coram

The Honourable Mr. Justice D. KRISHNAKUMAR

W.P.No.7852 of 2013

and

W.P.M.P.No.2 of 2013

R.Vijayalakshmi

...Petitioner

Versus

1.The Secretary,
Education Department,
Secretariat,
Chennai - 600 009.

2.The Secretary,
The Higher Education Department,
Secretariat,
Chennai - 600 009.

3.The Chairman,
The Teacher's Recruitment Board,
EKV Sampath Maligai,
College Road,
Nungampakkam,
Chennai - 600 006.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records on the file of the third respondent in PG2012/18012013/status.asp dated 04.02.2013 and quash the same and direct the third respondent to appoint the petitioner to the post of Post Graduate Teacher.

For Petitioner	:	Mr.E.D.Sethupathi
For Respondents	:	Mr.K.Karthikeyan, Government Advocate

O R D E R

The relief sought for in the present writ petition is to call for the entire records on the file of the third respondent in PG2012/18012013/status.asp dated 04.02.2013 and quash the same and direct the third respondent to appoint the petitioner to the post of Post Graduate Teacher.

2. It is the case that the petitioner had passed B.Com, in second class at Madras University in the month of May 2000 and completed M.Com (Banking & Insurance Management) degree in the month of May 2003 in Annamalai University. She had also passed B.Ed degree in second class at Periyar University in the month of July 2006. She belongs to Arunthathiyar Community (SCA).

2.1 While so, the third respondent Board called for to the post of Post Graduate Teacher in Commerce. The petitioner had participated in written examination to the said post and passed in the same on 27.05.2012. The petitioner's Roll Number is 12PG1140157 and she is in the third place of the seniority list for the said post. However, she was not selected in the interview. Hence, the petitioner sent a query to the third respondent Board through internet on 23.10.2012, for which, the third respondent sent a reply through internet by stating that the remarks was M.Com in Banking & Insurance Management.

2.2 Thereafter, the petitioner approached the third respondent Board so many times to receive a original copy of the Certificate Verification Results viz., PG2012/ 18012013/ Status.asp dated 02.04.2013 but she was not furnished with the copy of the same. Finally, the petitioner had downloaded the said results from the internet. Thereafter, she gave representation to the respondents 2 & 3 respectively, however, the same are kept pending. Aggrieved by the results of the third respondent Board, the petitioner has filed the present writ petition for the relief stated supra.

3. The learned counsel for the petitioner fairly submitted that the third respondent Board rejected the petitioner's claim on the ground that M.Com in Banking & Insurance Management is not equivalent to M.Com degree. He further submitted that the petitioner completed M.Com (Banking & Insurance Management) in the year 2003 and she was issued a Certificate in Ref.DDE/B-7a/2012-13 dated 02.11.2012 from the Annamalai University. Though the petitioner gave representation to the respondents 2 & 3, the same are kept in cold storage.

3.1 He would contend that M.Com in Banking and Insurance Management is equivalent to M.Com degree. Also, the syllabus of both the degrees are more or less one and the same. He therefore prayed that the present writ petition may be allowed.

4. The learned Government Advocate appearing for the respondents would contend that the third respondent Board follows the norms and rules prescribed by the Government, as per which, the Board decided that M.Com in Banking & Insurance Management degree is not equivalent to M.Com degree. Therefore, they rightly rejected the petitioner's claim. He would further

contend that the Government is the competent authority to decide that whether M.Com in Banking & Insurance Management degree is equivalent to M.Com degree or not.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

6. Considering the facts and circumstances of the case, in the interest of justice, this Court issues the following directions:

(i) The petitioner is directed to make a fresh representation to the third respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such representation, the third respondent is directed to forward the same to the second respondent within a period of four weeks from the date of receipt of a copy of this order.

(iii) The petitioner's representation shall be considered by the second respondent on the same being forwarded by the third respondent and appropriate orders shall be passed on merits and in accordance with law, as expeditiously as possible, after getting the expert's opinion.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Education Department,
Secretariat,
Chennai - 600 009.

2.The Secretary,
The Higher Education Department,
Secretariat,
Chennai - 600 009.

3.The Chairman,
The Teacher's Recruitment Board,
EKV Sampath Maligai,
College Road,
Nungampakkam,
Chennai - 600 006.

+1cc to Mr.E.D.Sethupathi, Advocate, S.R.No. 97119
+1cc to the Government Pleader, S.R.No. 98039

W.P.No.7852 of 2013

VG II(CO)
GN(31/01/2020)