

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31879 of 2019 and
W.M.P.No.32121 of 2019

J.Gopi Krishna

... Petitioner

Vs.

Teachers Recruitment Board,
Represented by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus,
College Road, Chennai - 600 006

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to accept the application of the petitioner in User ID - TRBAPG551945 for the post of Assistant Professors for Government Arts & Science College 2018-2019.

For Petitioner : M/s.V.Srimathi

For Respondent : Mrs.P.Kavitha,
Government Advocate

O R D E R

सत्यमेव जयते

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the respondent issued notification for the post of Assistant Professors in Tamil Nadu College through direct recruitment on 04.10.2019. The petitioner applied for the said post and the same was not accepted on the ground that "12th / HSC or equivalent course month / year of passing should be less than under Graduate month/ year of passing". Challenging the same, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the issue of completing 10th standard, degree and then completing 12th std had been dealt with by this Court

and it held that no candidature should be rejected on this ground. This order in J.Joseph Irudayaraja Vs. Joint Director of School Education reported in 2014 (2) LW 1005 is conclusive and this judgment was followed in W.P.No.1068 of 2014 dated 11.03.2014, wherein the candidature was rejected on the ground that the petitioner therein had not studied the courses seriatum. However, the petitioner is a BC candidate and he completed 10th standard, UG degree in Tamil in Annamalai Open University in the year 2002 and Post Graduate MA in 2007 and M.Phil in the year 2008 and completed NET in 2009 and after completing NET, also completed 12th standard in private studies. Therefore, non consideration of the petitioner's representation is illegal and unsustainable one and accordingly, she prayed for allowing the writ petition.

4.The learned Government Advocate appearing for the respondent would submit that in the decision in the case of the Chairman Vs. The Director of School Education in W.A.No.805 of 2014, the very same issue came before this Court and this Court held that the respondent has not studied 12th std before completing the degree as required under G.O.(Ms). No.107, Personnel & Administrative Reforms (M) Department dated 18.08.2009, therefore only those who have completed 12th std and thereafter degree course are eligible to be considered. The said G.O. was upheld by this Court and further the case of Joseph Irudayaraj Vs. Joint Director of School Education was discussed and finally concluded that the scheme of study must be 10th std, 12th std and degree, and completing 12th std after degree is not eligible and accordingly prayed for dismissal of the writ petition.

5.Considering the facts and circumstances of the case, admittedly, the petitioner completed 10th standard in the year 1996 and joined UG in Annamalai Open University and thereafter completed post graduate degree in 2007 and M.Phil in 2008. He studied 12th std only in the year 2019 after completing UG degree, which is not in consonance with G.O.Ms.No.107, Personnel & Administrative Reforms (M) Department, dated 18.08.2009, the relevant portion of which reads as follows:

"The above recommendations were carefully examined by the Government and accordingly Government accepted the recommendations of Equivalence Committee and issue orders, that the Diplomas / Degrees / Post Graduation after possession of Xth Std., Higher Secondary (+2) obtained through Open universities alone considered for appointment / promotion in Public Services."

6. Therefore, this writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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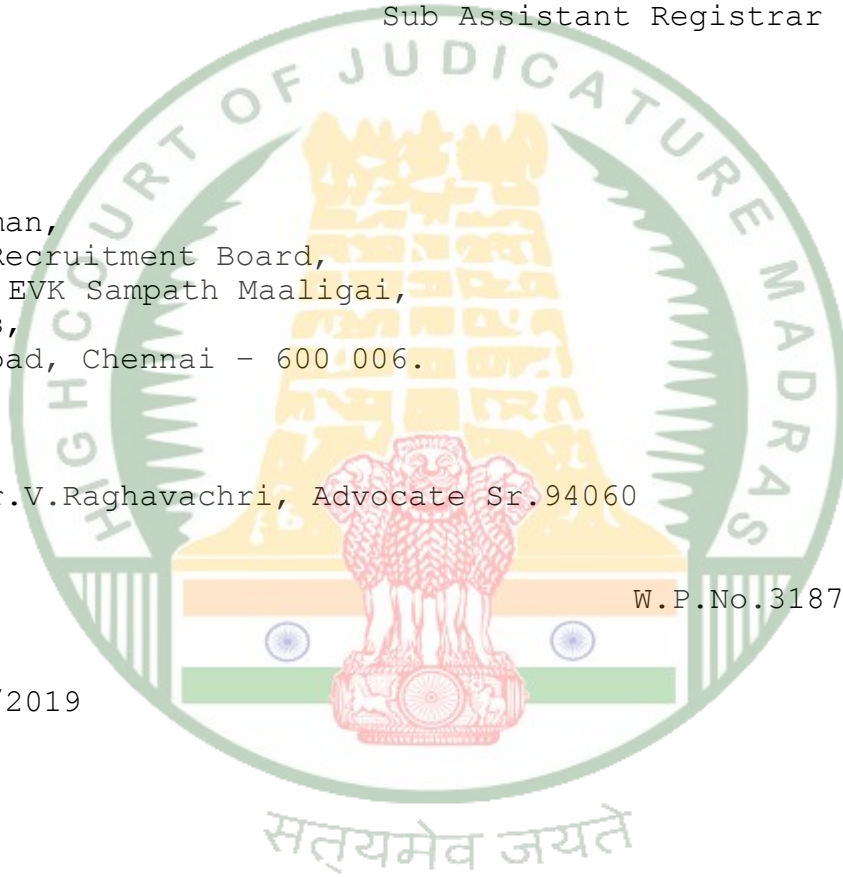
To

The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus,
College Road, Chennai - 600 006.

+1cc to Mr.V.Raghavachari, Advocate Sr.94060

W.P.No.31879 of 2019

srg 05/12/2019



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