



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 33679 of 2019

and

W.M.P.Nos. 34143 & 34145 of 2019

M.Pugazhvannan

...Petitioner

Vs.

1.State of Tamil Nadu,
Rep. By its Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.

2.Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Teachers Recruitment Board,
Rep. By its Member Secretary,
DPI Campus, College Road,
Chennai - 600 006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent dated 20.11.2019, published on the official website so far as the petitioner is concerned as ineligible candidate and quash the same and consequently direct the respondents to consider the candidature of the petitioner by taking into account the fact that the petitioner had not undergone his PG and B.Ed simultaneously and accordingly direct the respondents to select and appoint the petitioner to the post of PG Assistant Tamil with consequential monetary and service benefits.

For Petitioner : Mrs.Dakshayani Reddy

For Respondents : Mrs.V.Annalakshmi,
Government Advocate for R1 & R2.
Mr.C.Munuswamy,
Special Government Pleader for R3.



O R D E R

This petition has been filed challenging the order passed by the third respondent, dated 20.11.2019, rejecting the petitioner as ineligible candidate on the ground that the petitioner had undergone post graduation and bachelor of education simultaneously.

2. The case of the petitioner is that the petitioner suffers from 90% blindness. The petitioner has completed his 10th standard in the year 2003, 12th standard in the year 2005, B.A.(Tamil) in 2009, B.Ed. in May 2010 and the PG Course in 2012. The petitioner has excelled himself right through and he has secured distinction at every stage. The third respondent issued a notification dated 12.06.2019 calling for applications for appointment to the post of PG Assistant / Physical Education Director, Grade - I. The notification itself provided for 4% reservation for physically handicapped persons. The petitioner applied for the post under the said quota.

3. The petitioner had taken up the written test and had obtained 96 marks and thereafter he was called for certificate verification under the general turn low vision category. The petitioner produced all the required certificates. Thereafter, the petitioner was informed that his candidature has been rejected on the ground that he had undergone his PG graduation and B.Ed., decree simultaneously. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Mrs.Dakshayani Reddy, learned counsel appearing on behalf of the petitioner submitted that the ground on which the rejection has been made by the third respondent is totally illegal. The learned counsel submitted that the petitioner had completed the B.Ed., course during May 2010 and thereafter, the petitioner had joined the post graduation course. The petitioner had failed in one of the subjects and he wrote that subject during December 2010 and thereafter passed in the same. This has now being construed by the respondent as if the petitioner had simultaneously done the PG course and the B.Ed., decree.

5. The learned counsel in order to substantiate her submissions, brought to notice of this Court, the Hon'ble Division Bench judgment which dealt with a similar issue in Teaches Recruitment Board Vs. M.Stanly Parnapas in W.P.No. 370 of 2015 dated 17.03.2015. The relevant portions in the judgment is extracted hereunder:-

"5. The petitioner has averred that he had completed three years diploma course in 2001, but he



the PG course, cannot be construed as doing both the courses simultaneously. The learned counsel submitted that the petitioner as a visually impaired person ought to have been considered for appointment. More particularly, considering the fact that he is a 90% visually impaired person.

7. Per contra, the learned Government Advocate appearing for the third respondent submitted that the petitioner had taken B.Ed., examination when he was pursuing the PG courses and therefore, the same will be construed as simultaneously pursuing the B.Ed., course and the PG course. The learned counsel brought to the notice of this Court Clause 4 of the notification and submitted that the notification itself specifically provided that candidates who obtained the qualifications by pursuing the courses simultaneously, will not be eligible to apply for recruitment. By pointing out to this clause, the learned counsel submitted that the petitioner becomes dis-entitled to be considered for appointment. Therefore, the learned counsel submitted that there are absolutely no merits in this writ petition and the same is liable to be rejected.

8. This Court has carefully considered the submissions made on the either side and the materials available on record.

9. This is one of those very unfortunate cases, where a person in spite of the disability faced by him, has excelled in his academic pursuits and has obtained distinction at every stage and had applied for employment to the post of PG Assistant and the same has been rejected by the third respondent on hyper technical ground. Even in the written test, the petitioner had secured 96 marks. During certificate verification, the third respondent found that the petitioner had completed one paper in the B.Ed., course, while he was doing his PG course. This has been construed by the respondent as if the petitioner had undergone the course simultaneously. In the considered view of this Court, the interpretation given by the third respondent is totally untenable and unsustainable.

10. In the judgment that has been cited by the learned counsel for the petitioner, the Division Bench of this Court has categorically held that where the courses pursued the courses one after the other, it can never be construed as courses pursued simultaneously. The judgment cited by the learned counsel for the petitioner will squarely apply to the facts of the present case. The petitioner who had failed in one of the subjects in B.Ed., course, had taken the exams during December 2010 while he was pursuing with his PG decree course. By no stretch, this can be construed as simultaneous pursuit of the



B.Ed., decree and the PG decree. The reasoning given by the third respondent cannot stand the scrutiny of law and the same has to be necessarily interfered by this Court.

11. In the result, the impugned proceedings of the third respondent dated 20.11.2019, in so far as, Serial No. 126 is concerned is hereby quashed. The third respondent is directed to consider the candidature of the petitioner and proceed further with the selection and appointment of the petitioner to the post of PG Assistant (Tamil), if he has fulfilled all the other requirements, within a period of four (4) weeks from the date of receipt of a copy of this order.

12. In view of the above direction, this writ petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:-

- 1.The Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Member Secretary,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to M/s.Dakshayani Reddy, Advocate Sr.No.102685
+1cc to The Government Pleader Sr.No.103143

AKM/17.12.19 /5P-6C/

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