



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.12.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.34297, 34299, 34302, 34304, 34306, 34307, 34309 of 2019
and

WMP Nos.34935, 34936, 34937, 34938, 34940, 34941, 34943, 34944,
34945, 34946, 34947, 34948, 34949, 34950, 34951, 34952, 34954,
34955, 34957, 34958, 34962, 34963, 34964, 34965, 34966, 34967,
34968, 34969 of 2019

Mr.S.Meyyazhakaran	...	Petitioner in WP No.34297 of 2019
Mr.K.Chandrasekaran	...	Petitioner in WP No.34299 of 2019
Mrs.V.Priya	...	Petitioner in WP No.34302 of 2019
Ms.E.Rajalakshmi	...	Petitioner in WP No.34304 of 2019
Mr.S.Chandru	...	Petitioner in WP No.34306 of 2019
Mr.D.Balaji	...	Petitioner in WP No.34307 of 2019
Mr.B.Ramprakash	...	Petitioner in WP No.34309 of 2019

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.

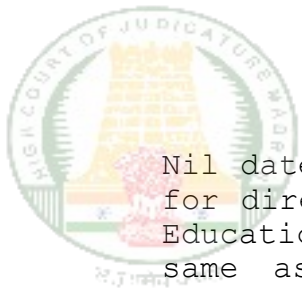
2. The Director of School Education,
Nungambakkam, Chennai - 6

3. The Chairman
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai - 6

4. The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road,
Chennai -6.

..Respondents in all WPs

Common Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned ineligible list published by the 3rd respondent vide proceedings



Nil dated Nil (in the official website of the TRB on 20.11.2019) for direct recruitment for the post of P.G.Assistants / Physical Education Directors Grade I for the year 2018-2019 and quash the same as illegal in so far the petitioner is concerned and consequentially to direct the respondents to appoint the petitioner as Physical Education Directors Grade I taking into consideration the petitioner's qualification of B.P.Ed. and M.P.Ed.

For Petitioner : M/s.Ajmal Associates
in all WPs
For Respondents : Mrs.V.Annalakshmi
in all WPs Government Advocate for
R1 and R2
Mr.C.Munusamy
Special Government Pleader
for R3 and R4

COMMON ORDER

These batch of writ petitions are filed challenging the publication made by the 3rd respondent making the petitioners ineligible to participate in the selection to the post of Physical Education Directors Grade I, on the ground that the petitioners have not undergone Bachelor of Physical Education (B.P.Ed) course for three years and that the certificate awarded by Annamalai University is not treated to be equivalent.

2. The petitioners have completed their graduate course of B.P.Ed from different universities and the period of the Course was one year. The petitioners are graduates who have completed under graduation in various subjects from different universities. Thereafter, the petitioners had taken up Post Graduation and completed Master of Physical Education (M.P.Ed) from Tamil Nadu Physical Education and Sports University.

3. The 3rd respondent by its Notification dated 12.06.2019 invited applications from eligible candidates for appointment to the post of PG Assistant / Physical Education Directors Grade I. As per the notification, the qualification that was prescribed is as follows :-

PHYSICAL EDUCATION DIRECTORS :

No persons shall be eligible for appointment to the Physical Education Director Grade - I Post unless the candidate possesses the following qualifications as per G.O.Ms.No.70, School Education (MS) Department, dated 12.042018.



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(i) Bachelor of Physical Education (B.P.Ed) or Bachelor of Physical Education (BPE) or Bachelor of Science (B.Sc) in Health and Physical Education and Degree in Sports with at least 55% marks as per National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2009.

(or)

(ii) At least 50% or B.P.E Degree / B.P.Ed (integrated) 4 years professional degree in accordance with the National Council for Teacher Education (Recognition Norms and Procedure) regulation, 2007 notified on 10.12.2007.

(or)

(iii) B.P.Ed with at least 55% or B.P.E Course (or its equivalent) of 3 years duration with at least 50% marks (in accordance with the National Council for Teacher Education (Form of application of norms and standards for recognition of teacher education programmes and permission to start new course or training) Regulations, 2002, notified on 13.11.2002).

AND

M.P.Ed of at least 2 years duration from any National Council for Teacher Education recognized institution.

4. The petitioners had applied for the said post and provisional selection list was also published and the names of all the petitioners found place in the same. Thereafter, the petitioners were called for Certificate Verification and they appeared for Certificate Verification that was held on 08.11.2019. The 3rd respondent published the impugned list in the website of Teachers Recruitment Board, on 20.11.2019 and names of all the petitioners were found in the ineligible list and the Ineligibility that was mentioned in the impugned list was that the petitioners have undergone a one year Course in B.P.Ed and the same is not valid. Aggrieved by the same, the present writ petitions have been filed before this Court.

5. Considering the limited scope of these writ petitions, and on the consent given on either side, all the writ petitions are taken up for final hearing.

6. The learned counsel appearing on behalf of the petitioners submitted that the petitioners have satisfied all the requirements to be considered and appointed to the post of Physical Education Director Grade I. The learned counsel submitted that the petitioners after completion of the B.P.Ed from different universities, had joined the Sports University of Tamil Nadu and completed their Post Graduation. Even at the



time when they joined the Post Graduation, the petitioners were not informed that the Bachelor Degree that was obtained by them was invalid. The learned counsel submitted that some of the petitioners had infact completed the under graduation in B.P.Ed only at Tamil Nadu Physical Education Sports University. Therefore, the learned counsel submitted that the petitioners had undergone the Course for whatever period it was conducted and the same cannot be put against the petitioners and no such disqualification was prescribed even in the notification.

7. Per contra, Mrs.V.Annalakshmi, learned Government Advocate appearing for the respondents 1 and 2, submitted that the Teachers Recruitment Board purely went by the letter and spirit of the Notification. That apart, a Government Order was issued in G.O.Ms.No.144, School Education Department dated 19.08.2019, wherein the Equivalence Committee was constituted by the Government of Tamil Nadu and in the meeting held on 31.07.2019, some of the Courses offered by various universities was considered in the Agenda and recommendation was made. The Agenda of the recommendation made is extracted hereunder :-

Sl.No.	Agenda	Recommendation
1.	Agenda No.6 Public Services - Educational Qualifications - Consideration of B.P.E (Three years Course) awarded by Tamil Nadu Physical Education and sports University as to whether equivalent to B.P.Ed for the purpose of employment in Public Services.	Not Equivalent
2.	Agenda No.7 Public Services - Educational Qualifications - Consideration of B.P.E (Three year Course) awarded by Annamalai University as to whether equivalent to B.P.Ed for the purpose of employment in Public Services.	Not Equivalent

8. The learned counsel further submitted that B.P.Ed that was obtained by the petitioners by undergoing the course for one year, was not considered to be equivalent by the Committee and therefore, the petitioners have become ineligible to be considered for selection and appointment to the post of Physical Education Director Grade I. Therefore, the learned counsel submitted that all the writ petitions are liable to be dismissed.



9. Whenever Notifications are issued calling upon applications for appointment to various posts, the Notification must be very clear with regard to qualifications and also the requirements that are to be satisfied by the candidates. In other words, the Rules of the game will have be clearly stated in the Notification. Only when there is such clarity, the candidates will also be clear as to whether they fulfill the qualifications and thereafter, they will apply for the said post. It is more than settled that the rules of the game can never be changed midway and if the same is changed, it will cause prejudice to the candidates. It will also lead to confusion and ultimately, the entire process of selection will be stalled by cases being taken up before Courts.

10. In the present case, the notification that was issued by the 3rd respondent had clearly prescribed the qualification for the post of Physical Education Director Grade I. The qualification has been extracted supra. There is absolutely no indication with regard to the tenure of the Course or the University which grants the Degree certificate and therefore, the petitioners were under the impression that they have fulfilled the qualification and accordingly, they have applied. One of the petitioner has completed the B.P.Ed Course from Madras University and others have completed the same from Annamalai University and Tamil Nadu Physical Education Sports Universities. The Sports University is being run by the Government of Tamil Nadu and the duration of the Course is also fixed by the Government of Tamil Nadu. The petitioners did not have any say on the duration of the Course. After the completion of the Course, the petitioners have all joined the Master of Physical Education Course before the Tamil Nadu Physical Education and Sports University. If the petitioners are not eligible to be considered in view of the duration of the Course of the B.P.Ed, the petitioners should not have been taken into Post Graduate Course. However, all the petitioners have completed Post graduation from Tamil Nadu Physical Education Sports University and the certificates have also been filed before this Court.

11. In order to dis-entitle the petitioners from participating any further in the selection process, reliance has now been placed to G.O.Ms.No.144 dated 19.08.2019. This Government Order has come into force after the notification was issued by the 3rd respondent on 12.06.2019. Even otherwise, this Notification can only have a prospective effect and it cannot be read into a notification which has already come into effect on 12.06.2019. By trying to introduce this Government Order at a later stage in the selection process, it can only be construed



as changing the rules and the game in the mid-way. This will cause very serious prejudice to the participants, since the Government Order is put against the participants in the selection process about which the participants were not aware at the time when they applied for the selection to the post of Physical Education Directors Grade I.

12. In the considered view of this Court, the petitioners possess a valid Under Graduation and Post Graduation degree as per the Notification. The subsequent Government Order cannot be put against the petitioners. In view of the same, the impugned list that was published by the 3rd respondent requires interference.

13. In the result, the impugned list published by the 3rd respondent in the website of Teachers Recruitment Board on 20.11.2019 is hereby quashed, insofar as making the petitioners ineligible for participating in the recruitment to the post of Physical Education Directors Grade I. Consequently, there shall be a direction to the 3rd respondent to proceed further with the selection by considering the candidature of the petitioners and complete the process in accordance with law.

14. These writ petitions are allowed with the above directions. Consequently, all the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
Nungambakkam, Chennai - 6
3. The Chairman
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai - 6



4. The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road,
Chennai -6.

+7 cc to M/s.Ajmal Associates, Sr.No. 103464

+1 cc to The Government Pleader Sr.Nos. 104527,104060,104059
104058, 104057, 104066, 104061 & 104064

AKM/16.12.19/7P-13C /

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