

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.34567 of 2019
and W.M.P.Nos.35278 & 35279 of 2019

R.Kalaiyarasi

...Petitioner

Vs.

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

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to Ineligible list after Certificate Verification dated 20.11.2019, on the file of respondents herein, quash the same in so far as it is related to the petitioner is concerned in Sl.No.62, and consequent by direct the respondents herein to consider the appointment of the petitioner in the post of Post Graduate Assistant 2018-2019.

For Petitioner : Mr.K.Govi Ganesan

For Respondents: Mrs.V.Annalakshmi,
Government Advocate

O R D E R

This writ petition has been filed challenging the disqualification of the petitioner from participating in the selection to the post of Post Graduate Assistant on the ground that she was studying two courses simultaneously viz., PG and B.Ed and that the same is in violation of Clause 4(4) of the Notification No.10/2019, dated 12.06.2019.

2.The respondents called for applications through on-line for filling up the posts of Post Graduate Assistants in School Education Department during the year 2018-2019. The petitioner applied for the said post. The petitioner also wrote the examination and on successful completion, she was called for certificate verification. At the time of certificate verification, it was noticed that the petitioner had done the B.Ed course during the same period when the petitioner was undergoing the Post Graduation Course. Since the same was in violation of the notification issued by the respondents, the petitioner was found ineligible to be considered for appointment. Aggrieved by the rejection of the candidature, the present writ petition has been filed.

3.The learned counsel for the petitioner submitted that the petitioner had joined M.Sc., (Mathematics), Post Graduate Course during the year 2007 under Distant Education Programme conducted by Annamalai University. In the year 2008, the petitioner wrote four papers in the first year and out of which, she cleared two papers. The petitioner lost interest in pursuing with the Post Graduate Degree and she joined B.Ed., Course in the year 2008 and passed the same in the year 2009. The learned counsel submitted that later the petitioner had written the remaining subjects in M.Sc., (Mathematics) and cleared the same in the year 2015. The learned counsel further submitted that the petitioner did not undergo two courses simultaneously and did not complete it at the same time. According to the petitioner, the B.Ed., Course was completed in the year 2009 and the M.Sc., (Mathematics) Course was completed in the year 2015. Therefore, this cannot be put against the petitioner for the disqualification that is contemplated under the notification. Therefore, the learned counsel submitted that the impugned ineligible list that was published by the respondent requires interference insofar as the petitioner is concerned.

4.Per contra, Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of respondents submitted that the petitioner had undergone two courses at the same time. The learned counsel submitted that the petitioner had joined B.Ed., Course in the year 2008, when she was already pursuing with the Post Graduate Course, which comes to end only in the year 2009. The learned counsel submitted that it is directly a disqualification under the notification and therefore the petitioner has been rightly disqualified from being considered for appointment to the post of Post Graduate Assistant.

5.This Court has carefully considered the submissions made on either side and perused the materials on record.

6. There is no dispute with regard to the facts in the present case. The petitioner had joined B.Sc., (Mathematics) in the year 2004 and she had completed the Course in the year 2007. Thereafter, the petitioner joined M.Sc., (Mathematics) under Distant Education Programme conducted by the Annamalai University and the tenure of the Course was between 2007-2009. After completing one year, the petitioner has joined in the B.Ed., Course in the year 2008 and she completed B.Ed., in June 2009. Later, the petitioner had completed M.Sc., Post Graduate degree in the year 2015.

7. The relevant rule in the notification is extracted as follows:

"4. Candidates who obtained any of the required qualifications (SSLC, HSC (or) its equivalent, U.G. Degree, P.G. Degree, B.Ed or its equivalent simultaneously are NOT eligible to apply for this recruitment."

8. It is clear from the above rule that the candidate is not expected to undergo a course simultaneously. The purport is undergoing the course simultaneously and it is irrelevant as to when the candidate actually passes out and comes out successful. For instance, if a candidate undergoes a P.G. Course for two years and on the completion of two years, the candidate has any arrears and in the meantime, the candidate joins B.Ed., Course and writes the arrears examination in the P.G. Course during the period when he/she is doing B.Ed., Course, the same cannot be considered as two courses being done simultaneously. Factually, the candidate joined the B.Ed., Course after the completion of the period of the P.G. Course. In the present case, the M.Sc., (Mathematics) Post Graduation Course was for the period from 2007 to 2009. Admittedly, the petitioner did not discontinue the Post Graduate Course in the year 2008. However, the petitioner decided to join B.Ed., Course during the year 2008 and she completed the same during June 2009. Therefore, obviously the petitioner has done her B.Ed., Course simultaneously with the Post Graduate Course. The completion of the Post Graduate Course in the year 2015 after passing the examination becomes irrelevant for the purpose of the above rule.

9. In view of the above discussions, this Court does not find any illegality in the rejection of the candidature of the petitioner and it is perfectly in line with the requirement found in the notification.

10.In the result, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

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

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

+1cc to Mr.K.Govi Ganesan, Advocate SR.104201

+1cc to the Government Pleader SR.104488

W.P.No.34567 of 2019
and WMP.Nos.35278 & 35279 of 2019

PVS (CO)
CB(30/01/2020)

सत्यमेव जयते

WEB COPY