

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-03-2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33224 of 2018

And

W.M.P.Nos.38560 and 38561 of 2018

S.Sivakami

.. Petitioner

Vs.

1. Teacher Recruitment Board,
Represented by its Chairman,
No.4th Floor, EVK Sampath Maaligai,
DPI Campus,
College Road,
Chennai-600 006.

2. The Directorate of Government Examination,
DPI Campus,
College Road,
Nungambakkam,
Chennai-600 006.

3. The Bharathiar University,
Represented by its Registrar,
Marudhamalai Road,
Coimbatore-641 046.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification No.5/2017 dated 26.7.2017 issued by the first respondent, in so far as relating to Clause 4(b) Drawing Teacher Technical qualification in (ii) prescribing "Technical Teacher Certificate" as essential technical qualification for Drawing Teacher and its rejection of petitioner's candidature bearing Roll Number 17ST12020563 in DRAWING SUBJECT and quash the same illegal, arbitrary and amounts to non-application of mind and further direct the first respondent to consider the petitioner's candidature for the post of Drawing Teacher by treating her as qualified.

For Petitioner : Mr.R.Veeramani
For Respondent-1 : Mr.C.Munusamy,
Special Government Pleader.

For Respondent-2 : Mrs.P.Kavitha,
Government Advocate.

For Respondent-3 : Mr.Mukunth for M/s.Sarvabhauman
Associates.

O R D E R

The relief sought for in the present writ petition is to quash the Notification dated 26.7.2017 issued by the first respondent in respect of the prescription of Technical Qualification of 'Technical Teacher Certificate' as essential qualification for Drawing Teachers.

2. Admittedly, the case of the writ petitioner was rejected by the respondents on the ground that the writ petitioner did not possess the required qualification as per the Notification.

3. As per the Notification, the qualification prescribed for appointment to the post of Drawing Teacher is as under:-

"DRAWING TEACHER

1. General Educational Qualification:
S.S.L.C

2. Technical qualification

i) a. Degree with Drawing and Painting under Part III of a University in the State or its equivalent.

or

b. Diploma in Painting or Diploma in Drawing of the Annamalai University

or

ii) Diploma in Painting or Commercial Arts or Modeling of the Government College of Arts and Crafts;

or

Government Technical Examinations (Higher Grade) in free hand outline and Model Drawing

or

Government Diploma in Drawing or a Certificate issued by the Tamil Nadu

Institute of Architecture and Sculpture,
Mamallapuram.

and

iii) Technical Teachers Certificate.

or

iv) a. A Diploma in Fine Arts (5 Years
Course) awarded by Director of Technical
Education

or

b. A Bachelor Degree in Fine Arts
awarded by the Madras University or
Bharathidasan University."

4. As the writ petitioner did not possess the prescribed qualification, the case of the writ petitioner was not considered for selection to the post of Drawing Teacher.

5. Prescription of educational qualification and other qualifications are the prerogative of the employers. The policy decision taken by the respondents-State in this regard cannot be questioned by a candidate at all. The qualification of 'Technical Teacher Certificate' is an essential technical qualification for appointment to the post of Drawing Teacher in Education Department (Diploma Course). Prescription of the said qualification cannot be construed as an irregularity or illegality.

6. This apart, such a policy decision taken by the employer prescribing the educational qualification for a particular post can never be questioned by a candidate, who is aspiring to secure the post of Drawing Teacher.

7. Thus, the relief sought for in the present writ petition is misconceived and the same cannot be granted in view of the fact that the prescription of educational qualification for a particular post is the prerogative of the employer.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Chairman,
Teacher Recruitment Board,
No.4th Floor, EVK Sampath Maaligai,
DPI Campus,
College Road,
Chennai-600 006.

2.The Directorate of Government Examination,
DPI Campus,
College Road,
Nungambakkam,
Chennai-600 006.

3.The Registrar,
Bharathiar University,
Marudhamalai Road,
Coimbatore-641 046.

+1cc to Mr.R.Veeramani, Advocate sr.no.30131
+1cc to Government Pleader sr.no.31080

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