



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

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THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P[MD]No.2693 of 2015

and

M.P.[MD]No.3 of 2015

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1.S.Shobana

2.L.Deepa

... Petitioners

Vs.

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

2. The Teachers Recruitment Board,
Rep. by its Member Secretary,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned G.O.Ms.No.140 (School Education (HS2) Department) dated 19.05.2010 issued by the first respondent herein, quash the same and further direct the respondents herein to fill up the posts of Computer Science as per the qualifications prescribed for Post Graduate Assistants in Academic subjects under Special Rules for the Tamil Nadu Higher Secondary Educational Service issued under G.O.Ms.No.720 (Education Department) dated 28.04.1981.

For Petitioner : Mr.E.V.N.Siva

For Respondent No.1 : Mrs.S.Srimathy

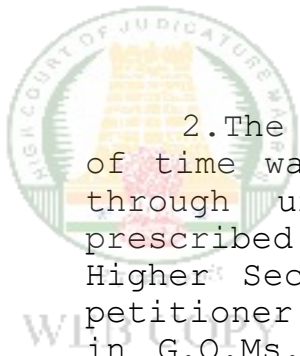
Special Government Pleader

For Respondent No.2 : Mr.V.R.Shanmuganathan

Special Government Pleader

O R D E R

The Writ Petition on hand is filed to quash G.O.Ms.No.140, School Education (HS2) Department dated 19.05.2010 issued by the first respondent and direct the respondents to fill up the post as per the qualification prescribed for Post Graduate Assistants in academic subjects under Special Rules issued in G.O.Ms.No.720, Education Department dated 28.04.1981.



2.The grievances of the petitioners during the relevant point of time was that the post of Computer Instructions were filled up through unqualified persons and the educational qualification prescribed was in violation of the Special Rules for the Tamil Nadu Higher Secondary Educational service. The contention of the writ petitioner in this Writ Petition is that the Government order issued in G.O.Ms.No.140 dated 19.05.2010 was not in consonance with the Special Rules for the Tamil Nadu Higher Secondary Educational Services. Thus, the writ petitioners are constrained to file the present writ petition.

3.Learned Counsel for the writ petitioners also reiterated that the qualification of Post Graduate is to be prescribed for appointment to the post of Computer Instructor. Contrarily, a lesser qualification was prescribed in violation of the Rules and the post of Computer Instructor was equated with the Vocational Instructor. In fact, the Post of Computer Instructor is equivalent to that of a P.G. Assistant cadre with reference to the academic subjects. Thus, the prescription of the under qualification denied the opportunity of the candidates who are all otherwise fully qualified for appointment to the post of Computer Instructors.

4.Efflux of time granted redressal to these writ petitioners. May be an unfortunate one where the Court was not in a position to decide the case, when it was filed. The Writ Petition is kept pending for about five [5] years and by this time, the Government itself changed its mind and prescribed the qualification of Post Graduate degree for appointment to the post of Computer Instructors.

5.The learned Special Government Pleader for the respondent Recruitment Board submitted a copy of the recent recruitment Notification No.09/19 dated 01.03.2019 and the qualification prescribed for appointment to the post of Computer Instructors Grade - I (Post Graduate Cadre) is enumerated as under:

"b) Educational Qualifications:

No persons shall be eligible for appointment to the Computer Instructors Grade - I (Post Graduate cadre) post unless the candidate possesses the following qualifications as per G.O. (Ms)No.26, School Education (SE7-1) Department, dated 12.02.2019.

i) Post Graduate with at least 50% marks (or its equivalent) from recognized University and Bachelor of Education (B.Ed.,) from National Council for Teacher Education recognized institution.

(or)

ii) Post Graduate with at least 45% marks (or its equivalent) from recognized University and Bachelor of Education (B.Ed.,) from NCTE recognized institution in accordance with the National Council for Teacher Education (Form of application for



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recognition, the time limit of submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course of training) Regulations, 2002 notified on 13.11.2002 and National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007.

(or)

iii) Post Graduate with at least 50% marks (or its equivalent) from recognized University and B.A. Ed./B.Sc. Ed., from any NCTE recognized institution.

The above NCTE norm is applicable with the below mentioned relevant subjects as per Letter Rc.No.008101/VI/E2/2019, dated 22.02.2019 of Director of School Education.

Master's Degree in Engineering or Technology in Computer Science / M.Tech Degree in Computer Science / Computer Engineering / Information Technology / Software Engineering from any recognised University or its equivalent

and

B.Ed., / B.A. Ed.,/ B.Sc., Ed., by recognised University or its equivalent.

or

Master's Degree in Computer Applications / Master's Degree in Computer Science or Information Technology from any recognised University or its equivalent

and

B.Ed., / B.A. Ed.,/ B.Sc. Ed., by recognised University or its equivalent.

iv) As per G.O.Ms.No.361 School Education Department dated 31.12.1999, candidates should have studied the same subject or its equivalent subject in Bachelor's Degree and Master's Degree.

v) Candidates who obtained a Degree (UG/PG) after undergoing a course of one year duration (Double degree / Dual degree / etc.) are not eligible to apply for this recruitment.

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

vii) The candidates applying for the posts should have passed Tamil Language as Part-I or Part-II up to SSLC and PUC / Higher Secondary Course levels. If not, the candidate should pass Tamil Language Test conducted by the Tamil Nadu Public Service Commission within two years from the



date of appointment.

viii) The candidates not having prescribed qualifications, as on the last date of submission of filled-in online application, shall not be eligible to apply. The candidates should satisfy themselves about their eligibility before applying. It is to be noted that if a candidate is allowed to appear for the examination it does not imply that the eligibility of the candidate is verified. The eligibility shall be verified by the Board only at the time of Certificate Verification.

Note: All qualifying / equivalent certificates should have been obtained prior to the last date for submission of filled-in online applications, announced in the recruitment notification."

6. In view of the fact that the grievances of the writ petitioners are now redressed and the qualification of Post Graduate Degree is incorporated for appointment to the post of Computer Instructors, no further adjudication is required in this matter. The learned Counsel for the writ petitioners states that G.O.Ms.No.140 has not been superseded and the Government order issued in G.O.Ms.No.720 (Education Department) dated 28.04.1981, is to be amended with reference to the Special Rules.

7. The respondents are directed to issue suitable orders in this regard, in consonance with the Special Rules. Though, the G.O. impugned has not been annulled by the Government, this Court is of the considered opinion that it is impliedly cancelled in view of the modification of the qualification for appointment to the post of Computer Instructors. It is made clear that all appointments to the post of Computer Instructors are to be made strictly in accordance with the Educational Qualification prescribed in the Rules in force.

8. The Writ Petition stands disposed of, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
State of Tamil Nadu,
Department of Education,
Fort St. George,
Chennai - 600 009.



2.The Member Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

+1 CC to Mr.E.V.N.SIVA, Advocate (SR-71186[F] dated 25/06/2019)
+1 CC to SPL GP (SR-71613[F] dated 26/06/2019)

ORDER MADE IN
W.P[MD]No.2693 of 2015
25.06.2019
($\frac{1}{4}$)

mr

MK (24.07.2019) 5P 5C