



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.4770 of 2015

WEB COPY

Vijayalakshmi

... Petitioner

Vs.

The Member Secretary,
Tamil Nadu Teacher Recruitment Board,
Chennai.

... Respondent

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 order passed by the respondent vide proceedings dated 22.10.2013 and quash the same and consequently direct the respondent to appoint the petitioner as P.G.Assistant in future recruitment and consider the petitioner's representation dated 10.03.2015.

For Petitioners : Mr.MAM.Raja
For Respondent : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to quash the proceedings of the respondent dated 22.10.2013 and direct the respondent to appoint the petitioner to the post of P.G.Assistant in future recruitment based on her representation.

2.The impugned order states that the writ petitioner was ineligible for appointment to the post of P.G.Assistant on account of the fact that she had undergone two courses during the same academic year i.e., M.A. and B.Ed., in view of the fact that the writ petitioner has not undergone the courses in the regular pattern as per the UGC regulation. The appointment based on such invalid degrees are impermissible. The candidates who studied in the regular pattern of 10 + 2 + 3, alone are eligible for appointment to the post of P.G.Assistant.

3.This Court, in a number of judgments held that the persons who acquired degrees through open university are ineligible for appointment to the teaching posts. The Division Bench of the Madras High Court even before the judgment of the Supreme Court in Annamalai University case categorically settled the legal principles regarding the validity of the open university degrees. Even the Supreme Court, in the case of **Annamalai University Rep. by Registrar Vs. Secretary to Government, Inf. & Tourism Department and others** reported in **2009 (7) SCC 590**, held that the open University degrees



are invalid.

4. Teaching is a skill. Taking classes for students is a craft. Thus, the candidates who had not undergone the regular study through colleges are ineligible for appointment to the post of P.G.Assistant. The persons who have not studied the Course through the regular system in the regular colleges cannot be appointed as Teachers in classes as well as in colleges. This being the principles to be followed, the case of the writ petitioner was not considered on the ground that the petitioner had undergone the degrees simultaneously and accordingly, made ineligible.

5. Learned Special Government Pleader for the respondent states that the writ petitioner had studied post Graduation course during the Academic year 2009 - 2011 and B.Ed., course in 2010-2011. Thus, the writ petitioner had undergone two degrees simultaneously in one academic year and such degrees obtained is invalid and ineligible for appointment to the post of P.G.Assistant. This being the factum of the case, the order of rejection is in consonance with the judgments of the Supreme Court.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To
The Member Secretary,
Tamil Nadu Teacher Recruitment Board,
Chennai.

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