



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD)No.650 of 2014
and
M.P. (MD)Nos.1 and 2 of 2014

S.Raja Rajeswari

... Petitioner

-Vs-

1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai.

2.Teachers Recruitment Board,
Represented by its Chairman,
College Road, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned provisional selection list after certificate verification dated 03.01.2014 (Direct Recruitment for Post Graduate Assistant in Government Higher Secondary Schools 2012-2013 in Tamil) published by the second respondent and quash the same insofar as non-inclusion of the petitioner's name in the said list and consequently, direct the respondents to appoint the petitioner to the post of P.G. Assistant (Tamil).

For Petitioner : Mr.S.Anwar Sameem

For R1 : Mrs.S.Srimathy,
Special Government Pleader.

For R2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is to quash the impugned provisional selection list dated 03.01.2014 (Direct Recruitment for Post Graduate Assistant in Government Higher Secondary Schools 2012-2013 in Tamil) published by the second respondent and to direct the respondents to appoint the writ petitioner to the post of P.G. Assistant (Tamil).



2.The writ petitioner was appointed as Secondary Grade Teacher in the year 2004. The writ petitioner acquired the following degrees through distance education:- B.A. (Tamil), M.A., (Tamil) and B.Ed.

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3.The learned Special Government Pleader appearing on behalf of the second respondent board states that the writ petitioner acquired two degrees simultaneously, which is impermissible and which cannot be considered as a valid qualification for the purpose of appointment to the post of P.G. Assistant (Tamil).

4.This Court is of the considered opinion that apart from the simultaneous degree, even the persons, who studied in correspondence courses, cannot be appointed as teachers in the Education Department. Those degrees granted through correspondence education may be a valid qualification for the purpose of ministerial posts. However, in teaching posts, the candidates, who studied in the regular college under the regular system as per UGC Regulations, alone are qualified and such candidates alone must be appointed in accordance with the recruitment rules in force.

5.Teaching being a profession and skill, a candidate, who studied in the regular colleges alone, must be appointed. The candidates appointed as teacher must know class room art and they must be in a position to take classes. A person, who do not attend the college or class room, may not be an appropriate person for appointment to the teaching posts.

6.This being the consistent view taken by the Courts, the candidates, who studied correspondence courses and simultaneous degrees, are not eligible for appointment to the teaching posts. However, as far as the present Writ Petition is concerned, selection was conducted in the year 2012-13 and the writ petitioner was found not eligible, as she secured simultaneous degree.

7.This being the factum, the relief as such sought for in the present Writ Petition cannot be granted and accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

myr



To

1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai.

2.The Chairman,
Teachers Recruitment Board,
Represented by its
College Road, Chennai.

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