



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No.119 of 2013

and

M.P (MD) Nos.1 and 2 of 2013

A.Nagoor Meeral

: Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009/.

2.Teachers Recruitment Board,
rep. by its Chairman,
EVK Sampath Building,
College Road,
Nungambakkam,
Chennai.

: Respondents/Respondents

PRAYER: Writ Appeals is filed Clause 15 of Letters Patent Act, against the order dated 23.01.2013 made in WP(MD) No.16559 of 2012.

Prayer in WP(MD) . 16559/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, for the issue of a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent in connection with the impugned rejection of selection in his proceedings No. and dated Nil and quash the same as arbitrary and unconstitutional and consequently direct the respondents to appoint the petitioner in the post of B.T Assistant (Tamil) for the year 2012 within the time limit that may be stipulated by this Court.

For Appellant

: Mr.G.Thalaimutharasu

For R-1

: Mr.N.Shanmugaselvam
Additional Government Pleader

For R-2

: Mr.V.R.Shanmuganathan
Special Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **K.RAVICHANDRABAABU, J.**]

This writ appeal is directed against the order made in W.P. (MD) No.16559 of 2012, dated 23.01.2013.

2.The appellant is the writ petitioner. He approached the Writ Court and challenged the proceedings of the second respondent, wherein and whereby the selection of the petitioner to the post of B.T.Assistant was rejected on the reason that the petitioner had a degree course with a duration of one year. The Writ Court dismissed the writ petition by following the decision made in **R.THIRUNAVUKKARASAU v. THE STATE OF TAMIL NADU**, reported in **2012 (5) CTC 129**.

3.Heard the learned counsel for the appellant and the learned Additional Government Pleader for the respondents.

4.It is seen that the petitioner appeared for Tamil Nadu Teacher Eligibility Test Supplementary-2012 and was issued with a mark sheet indicating that she was qualified in the said test. However, her selection to the post of B.T.Assistant was subsequently rejected by the second respondent Board on the reason that she obtained the basic degree with one year duration. When the said action of the Board was put to challenge before the Writ Court, the Writ Court found that the issue involved in this case is already covered by the decision made in **2012 (5) CTC 129 (cited supra)**, wherein it was declared that the degree course of a duration of one year cannot be considered as eligible qualification for recruitment for the post of B.T.Assistant. It is further seen that the said decision of R.Thirunavukkarasau case was confirmed by the Division Bench of this Court. Therefore, the Writ Court dismissed the writ petition.

5.We find no reason to interfere with the said order of the Writ Court, since the issue involved in this case is already covered by the said decision made in R.Thirunavukkarasau case, which was confirmed by the Division Bench as well. Now, it is submitted by the learned counsel for the petitioner that subsequently the petitioner acquired the qualification of a degree with three years duration. Needless to state that the subsequent acquisition of the qualification will not entitle the petitioner to get the benefit retrospectively, when admittedly, at that relevant point of time, the petitioner was not possessing such qualification and on the other hand she was having only one year degree, which was already declared as not an eligible qualification for recruitment for the post of B.T.Assistant. Therefore, we find no ground to interfere with the order made in the writ petition.

6.Accordingly, the Writ Petition fails and the same is



dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

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Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 600 009/.

2.The Chairmand,
Teachers Recruitment Board,
EVK Sampath Building,
College Road, Nungambakkam,
Chennai.

+1cc to Mr.G.THALAIMUTHARASU, Advocate, SR.No. 68519

W.A.(MD) No.119 of 2013

and

M.P(MD) Nos.1 and 2 of 2013

Dated: 13.06.2019

RJ2

KK/SAR/02.07.2019/3P-4C