



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P(MD)No.11328 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013 and 1 of 2014

A.Sivarani

... Petitioner

-Vs-

1. The Rehabilitation Council of India,  
Represented by its Chairman,  
23.A, Sivaji Marg,  
(Near Karanpura Complex),  
New Delhi-110 015.
2. The Government of Tamil Nadu,  
Represented by its Secretary to Government,  
Social Welfare and Nutritious  
Meal Programme Department,  
Secretariat, Chennai-600 009.
3. The Teachers Recruitment Board,  
Represented by its Member Secretary,  
DPI Campus, College Road, Chennai-600 006.
4. The District Elementary Educational Officer,  
Madurai District, Madurai.
5. Indira Gandhi Institute of Educational  
Research and High Education,  
Mary Kanagam Memorial Educational Trust,  
Represented by its Chairman,  
Holy Cross Campus, Thadagam Road,  
Kanuvai, Coimbatore-641 108.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order in Na.Ka.No.1558/B2/2006 dated 28.06.2013 passed by the third respondent and quash the same and consequently, direct the respondents to permit the petitioner to continue the petitioner's service as B.T. Assistant (English) with all service benefits.

For Petitioner : Mr.A.Thirumurthy

For R1 and R5 : No Appearance

For R2 to R4 : Mr.V.R.Shanmuganathan,

Special Government Pleader.

**ORDER**

The order of rejection dated 28.06.2013, rejecting the appointment of the writ petitioner on the ground that the writ petitioner has not completed B.Ed., course in recognized institution recognized by University Grants Commission or National Council for Teachers Education. The writ petitioner participated in the process of selection and was appointed as Junior B.T. Assistant and was working in the said post. While verifying certificates submitted by the writ petitioner, the authorities found that the writ petitioner did not possess requisite qualification as she obtained B.Ed. Degree from unrecognized institution.

2.The learned counsel appearing for the writ petitioner states that undoubtedly, the writ petitioner studied B.Ed., course, which is recognized by Rehabilitation Council of India. In this regard, the learned counsel appearing for the writ petitioner relied on the provisions of the Right of Children to Free and Compulsory Education Act, 2009.

3.The National Council for Teacher Education issued necessary regulations vide Notification dated 25.08.2010 for matters pertaining to Teacher Education Institutions and one among them is for the purposes of this Notification, a Diploma / Degree course in teacher education recognized by the National Council for Teacher Education (NCTE) only shall be considered. However, in case of Diploma in Education (Special Education) and B.Ed., (Special Education), a course recognized by the Rehabilitation Council of India (RCI) only shall be considered.

4.G.O.(Ms.)No.56, Higher Education (K2) Department, dated 24.04.2012 also reveals that the Equivalence Committee recommended for consideration of B.Ed., (Special Education) courses awarded by any university as equivalent to B.Ed., (General Education) course for the purpose of employment in Public Services.

5.Relied on the said provision, the learned counsel appearing for the writ petitioner states that the writ petitioner had studied B.Ed., course (special education) in Rehabilitation Council of India, and therefore, she is fully qualified for appointment to the post of Junior B.T. Assistant for all purposes.

6.The issue in this regard, was already considered by the Division Bench of this Court in W.A.(MD)No.457 of 2014. The Division Bench of this Court also made an observation as follows:-

*"5.The National Council for Teacher Education issued necessary regulations vide Notification dated 25.08.2010 for matters pertaining to Teacher Education Institutions and one among them is regarding Diploma / Degree Course in Teacher Education, which is contained in the regulation, which reads thus:*





10. With these observations, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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sd/  
Assistant Registrar (CO)

/True Copy/

*Sub Assistant Registrar*

To

1. The Secretary to Government,  
Government of Tamil Nadu,  
Social Welfare and Nutritious  
Meal Programme Department,  
Secretariat, Chennai-600 009.

2. The Member Secretary,  
Teachers Recruitment Board,  
DPI Campus, College Road, Chennai-600 006.

3. The District Elementary Educational Officer,  
Madurai District, Madurai.

+1 CC to Mr. A. THIRUMURTHY, Advocate ( SR-67713[F] dated 10/06/2019 )

**W.P (MD) No. 11328 of 2013**  
**10.06.2019**

**myr**

\_MK (14.06.2019) 4P 5C