

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10547 OF 2013

A.Celeena

... Petitioner

vs.

1. The Director of Teachers Education &
Research Training, College Road,
Chennai 600 006.

2. St.Alosiyus School,
Marthandam,
K.K. District.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the 1st Respondent's order made in Oo.Mu.No.9315/A3/2010, dated 16.03.2011 and Oo.Mu.No.9315/A3/2010, dated 13.08.2012, to quash the same and consequently direct the Respondents to approve the appointment of the Petitioner from the date of her initial appointment and to extend all benefits, both service and monetary.

For Petitioner : Mr.K.M.Arun
for M/s.Isaac Chambers

For Respondents : Mr.S.Suresh Kumar,
Government Advocate

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ORDER

Petitioner has come up with the above Writ Petition seeking to quash the orders passed by the 1st Respondent vide Oo.Mu.No.9315/A3/2010, dated 16.03.2011 and Oo.Mu.No.9315/A3/2010, dated 13.08.2012 and for a consequential direction to the Respondents to approve her appointment from the date of her initial appointment and to extend all benefits, both service and monetary.

2. According to the Petitioner, she was appointed as Teacher in the year 1995 to handle Primary School children in the vacancy caused, pursuant to the retirement of one Maria Veronica. After evaluation of her Certificates, the Petitioner's appointment was rejected by the 1st Respondent vide proceedings dated 16.03.2011, with reference to G.O.Ms.No.26, Education, dated 21.02.2003, stating that, she had obtained less than 45%, i.e. only 44.6% and hence, the qualification possessed by her cannot be treated to be equal.

3. It is the case of the Petitioner that, she had subjected herself to improvement examination and had sought for reconsideration of her claim for evaluation. However, the Petitioner's claim, instead of being forwarded and addressed for evaluation, has been rejected by the 1st Respondent vide order dated 13.08.2012, in view of the earlier proceedings dated 16.03.2011. Aggrieved by the said orders, the Petitioner is before this Court with the present Writ Petition.

4. Learned counsel for the Petitioner submitted that, the Petitioner had completed Teachers' Training Certificate Course between 1987 and 1989 and had successfully got through the same in 2002, and has been appointed as a Teacher on 01.06.1995, which is well ahead of the crucial date as fixed in G.O.(1D) No.26, School Education Department, dated 21.02.2003. He pointed out that, as per G.O.(3D) No.118, School Education Department, dated 03.12.2009, there was a specific direction to consider the claim of persons, who had obtained Diploma prior to 2007-2008 and for those, who had obtained aggregate less than 50%, for the purpose of consideration for appointment. It is his contention that, the said Government Order is squarely applicable to the case of the Petitioner herein, and hence, the impugned orders of rejection are liable to be rejected, as they are passed without assigning any plausible reason.

5. In reply, learned Government Advocate appearing for the Respondents, with reference to paragraphs 6 and 7 of the Counter Affidavit submitted that, the Government has issued G.O.(1D) No.26 School Education (U1) Department, dated 21.02.2003 relating to the minimum requirement of marks in +2 examination as 45% in aggregate and in respect of Teachers Training Course Certificate, those persons who do not have the minimum of 50% marks are permitted to appear for improvement examination in the concerned States and if there is no improvement Scheme in their States, they are permitted to write examination as private candidates in Tamil Nadu. As per the said Government Order, the Government has decided to conduct a Special Test and if the candidates fulfill the requirements for evaluation as per the Rules in force, their Certificates would be evaluated.

6. It is further submitted by the learned Government Advocate that, the Petitioner wrote +2 Examination in April 1986 and failed in English subject. Thereafter, the Petitioner wrote English paper in October 1986 and passed +2 examination, securing 536 marks. Learned Government Advocate pointed out that, the Petitioner should have passed and secured 540 marks in +2 examination, whereas, she secured only 536 marks, i.e. 44.6%. As such, the percentage of marks could not be rounded off to 45%, and if rounded off, it comes to 540 marks, i.e. more than 4 marks from the original marks of 536. Hence, the Petitioner's Kerala Teacher Training Course Certificate could not be evaluated on par with that of Tamil Nadu Diploma in Teacher Training Certificate.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. Facts in issue are not in dispute. On a perusal of the documents available on record, it is seen that, the Petitioner appeared for +2 examination in April 1986 and failed in English subject. Thereafter, the Petitioner wrote English paper in October 1986 and passed the examination. The Petitioner secured 536 marks in +2 examination, i.e. 44.6% and is short of 4 marks for mandatory qualification. As the percentage of marks could not be rounded off to 45%, for the purpose of evaluating the other State Teacher Training Certificate on par with that of Tamil Nadu Diploma in Teacher Education Certificate, the Petitioner's claim was rejected vide the impugned proceedings.

9. Though the Petitioner claims to have secured 45% in +2 examination by subjecting herself to improvement examination, she has not produced any evidence to that effect. When the Government of Tamil Nadu has prescribed certain norms in respect of evaluation of Secondary Grade Teacher Training Certificate of other States vide G.O.Ms.No.1236, School Education Department, dated 17.09.1984, this Court cannot interfere with the same.

10. In view of the foregoing, this Writ Petition stands dismissed, as devoid of merits. If the Petitioner produces any proof to the effect that, she has secured 45% in +2 examination by subjecting herself to improvement examination, the Authority concerned shall consider the same in accordance with law. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Director of Teachers Education &
Research Training,
College Road,
Chennai 600 006.

+1cc to the Government Pleader, S.R.No.34357

W.P.No.10547 of 2013

PVS (CO)
CS/08/12/2020



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