

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.2598 of 2020
and W.M.P No.3019 of 2020

E.Thilagavathi

Petitioner

vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. Teachers Recruitment Board,
Represented by the Member Secretary,
EVK Sampath Maaligai,
DPI College Road, Chennai - 600 006.
3. The Director of School Education,
DPI College Road,
Chennai - 600 006.
4. Equivalence Committee,
Tamil Nadu State Higher Education Council,
Rep. by its Vice Chairman,
Lady Willington College Campus,
Kamarajar Salai, Triplicane, Chennai - 600 005.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to refer the issue relating to the equivalence of D.P.Ed., certificate offered by Karnataka State to the Lower Grade/Higher Grade course of the Director of Government Exams, Tamil Nadu notified by the 2nd respondent as a necessary qualification for the post of Special Teacher in Physical Education in the Notification No.05/2017 dated 26.07.2017 to the 4th Respondent Equivalence Committee under Clause 4 (c) of the said Notification within a time frame to be fixed by this Court.

For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel for
Ms.C.Uma

For Respondents: Mrs.V.Annalakshmi
Government Advocate for R1 & R3

Mr.C.Munusamy
Special Government Pleader
for R2 & R4

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 1st respondent to refer the issue relating to the equivalence of D.P.Ed., certificate offered by the Karnataka State to the Lower Grade/Higher Grade course of the Director of Government Exams in order to consider the petitioner for selection to the post of Special Teacher in Physical Education.

2.The case of the petitioner is that she has completed D.P.Ed., offered by the Karnataka State and it is a two years course. There were some candidates who had completed C.P.Ed., course offered by the Karnataka State which is a one year course and the Equivalence Committee has already found the said qualification to be equivalent. The petitioner had participated in the selection that was conducted by the 2nd respondent for the post of Special Teacher in Physical Education. The petitioner attended the written examination and had cleared the same and thereafter, the petitioner was called for submitting the certificates. Since, the petitioner has completed D.P.Ed., course, her selection was kept pending in order to get the certificate from the Equivalence Committee. Thereafter, the candidature of the petitioner was rejected on the ground that the petitioner did not possess the required qualification.

3.The petitioner, therefore, approached this Court and filed W.P.No.29868 of 2018, challenging the rejection. The said writ petition was dismissed. Aggrieved by the same, a writ appeal was filed before the Division Bench in W.A.No.3250 of 2019. When this writ appeal was pending, the Equivalence Committee was constituted and the Equivalence Committee only went on to consider the C.P.Ed., course offered by the Karnataka State. However, it failed to consider the D.P.Ed., course. The grievance of the petitioner is that when the Equivalence Committee was constituted, the D.P.Ed., course ought to have been referred to the Equivalence Committee and the failure to refer the same, has put the petitioner and similarly placed persons into hardship. Therefore, the present writ petition has been filed for a direction to the 1st respondent to refer the D.P.Ed., certificate to the Equivalence Committee.

4.Heard Mrs.Nalini Chidambaram, learned Senior Counsel appearing on behalf of the petitioner, Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents 1 and 3 and Mr.C.Munusamy, learned Special

Government Pleader appearing on behalf of the respondents 2 and 4.

5. Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to refer the issue relating to the equivalence of D.P.Ed., certificate offered by the Karnataka State to an Equivalence Committee, within a period of two weeks from the date of receipt of copy of this order. The Equivalence Committee shall consider the D.P.Ed., certificate and offer its views, within a period of two weeks, thereafter.

6. This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. Teachers Recruitment Board,
Represented by the Member Secretary,
EVK Sampath Maaligai,
DPI College Road, Chennai - 600 006.
3. The Director of School Education,
DPI College Road,
Chennai - 600 006.
4. Equivalence Committee,
Tamil Nadu State Higher Education Council,
Rep. by its Vice Chairman,
Lady Willington College Campus,
Kamarajar Salai, Triplicane, Chennai - 600 005.
5. The Public Prosecutor, High Court, Madras.

+1cc to M/s.C.Uma , Advocate SR.No. 9078

+1 cc to Government Pleader Sr.No. 10012

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