

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.09.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29650 of 2017

M.Amala

... Petitioner

Vs.

- 1.The State of Tamilnadu
Rep. by its Principal Secretary to Government
Higher Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The State of Tamilnadu
Rep. by its Principal Secretary to Government
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 3.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
 - 4.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.
 - 5.The Chairman,
Tamil Nadu Public Service Commission,
VOC Nagar, Frazer Bridge Road,
Park Town,
Chennai - 600 003.
 - 6.The Member Secretary,
National Council for Teacher Education,
Hans Bhawan, Wing - II,
1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Government Order issued by the first respondent in G.O.Ms.No.3 Higher Education (K2) Department dated 05.01.2016 and the impugned communication issued by the fourth respondent in No.Nil dated 12.09.2017 and to quash the same in so far as declaring of B.Ed., degree of Kerala University is not equivalent to B.Ed., degree of Tamil Nadu Teacher Education University is concerned and consequently directing the respondents to issue Evaluation Certificate of B.Ed., degree obtained by the petitioner from Kerala University or in the alternative to pass orders for declaration of B.Ed., degree awarded by Kerala University is equivalent to B.Ed., degree awarded by Tamil Nadu Teacher Education University after due verification by the competent body within a reasonable time limit to be fixed by this Hon'ble Court and on that basis to appoint the petitioner (17PG17070285) to the post of PG Assistant (Zoology) based on the selection conducted by fourth respondent for the year 2017, with all consequential and other attendant benefits.

(Prayer amended as per the order of this Court dated 30.09.2020 made in W.M.P.No.9579 of 2019 in W.P.No.29650 of 2017.)

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.S.Suresh Kumar for R1 to R3
Government Advocate
Mr.C.Munusamy for R4
Special Government Pleader
Mr.Karthik Rajan for R5

O R D E R

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned Government Order issued by the first respondent in G.O.Ms.No.3 Higher Education (K2) Department dated 05.01.2016 and the impugned communication issued by the fourth respondent in No.Nil dated 12.09.2017 and to quash the same in so far as declaring of B.Ed., degree of Kerala University is not equivalent to B.Ed., degree of Tamil Nadu Teacher Education University is concerned and consequently directing the respondents to issue Evaluation Certificate of B.Ed., degree obtained by the petitioner from Kerala University or in the alternative to pass orders for declaration of B.Ed., degree

awarded by Kerala University is equivalent to B.Ed., degree awarded by Tamil Nadu Teacher Education University after due verification by the competent body within a reasonable time limit to be fixed by this Hon'ble Court and on that basis to appoint the petitioner (17PG17070285) to the post of PG Assistant (Zoology) based on the selection conducted by fourth respondent for the year 2017, with all consequential and other attendant benefits.

2.The case of the petitioner is that the petitioner consequent to the Notification issued by TRB, applied for the post of P.G.Assistant (Zoology) and has secured 87 marks in the written examination conducted on 02.07.2017. The petitioner was called for CV and she appeared for the same on 29.08.2017 and she was awarded 3 marks in CV. However, the petitioner was not selected on the ground that the petitioner has completed B.Ed. Degree from Kerala University. On enquiry, the petitioner came to know that the B.Ed. Degree obtained from Kerala University is not declared to be equivalent to B.Ed. of Tamil Nadu Teacher Education University as per G.O.Ms.No.3 Higher Education (K2) Department dated 05.01.2016. Hence, this writ petition.

3.The learned counsel appearing for the petitioner would submit that the very same issue has already been considered by this Court in the order dated 05.12.2019 made in W.P.No.32799 of 2019 (R.Sutha Vs. State of Tamil Nadu rep. by its Principal Secretary to Government and others). Accordingly, he prayed for allowing the writ petition.

4.The respondents side did not dispute the submissions made by the learned counsel appearing for the petitioner.

5.It is useful to extract hereunder the relevant portions of the order dated 05.12.2019 made in W.P.No.32799 of 2019 (R.Sutha Vs. State of Tamil Nadu rep. by its Principal Secretary to Government and others):

"7.The only issue that requires consideration in this case is, whether the B.Ed. Degree obtained by the petitioner in the year 2010 from a college recognised by Kerala University can be considered to be a valid degree and, if so, the petitioner is entitled to be considered for selection and appointment to the post of P.G.Assistant (Zoology) ?

8. In order to decide the above issue, it will be relevant to take note of the order passed by this Court in W.P.No.28755 of 2017, dated 30.11.2017. The relevant portions of the said order are already extracted supra. It is clear from the said order that this Court was dealing with a very similar issue and the only difference was, in that case, the B.Ed.Degree was obtained from Vinayaka Missions University and, in this case, the B.Ed.Degree has been obtained from Kerala University. While considering the said case, this Court came to a categorical conclusion that G.O.Ms.No.3, dated 05.01.2016, would be applicable only from the academic year 2015-2016 and not prior to that. This Court held therein that the B.Ed.Degree that was obtained by the petitioner was a valid degree and, accordingly, consequential directions were issued to the Department.

9. The facts of the present case are squarely covered by the above order. There is yet another reason why G.O.Ms.No.3, dated 05.01.2016, must be given only prospective operation. Earlier, G.O.Ms.No.483, Education Department, dated 28.03.1988, was passed by Education Department. By virtue of the said G.O., namely, G.O.Ms.No.483, B.Ed.Degree obtained from Kerala University was considered equivalent to that of Madras University. In this case, the petitioner had obtained the B.Ed. Degree in the year 2010 and, as on that date, G.O.Ms.No.483 was in force. Therefore, it cannot be said that the degree obtained by the petitioner became invalid in the year 2016 pursuant to passing of G.O.Ms.No.3, dated 05.01.2016. If the interpretation is to be given otherwise, it will have a serious impact on those persons, who had obtained a valid degree and which was considered equivalent by the previous G.O., and, subsequently, were informed that the degree obtained by them was not equivalent to the corresponding degree of the Madras University. Therefore, the stand

taken by the learned Government Advocate in this regard is untenable and it is hereby rejected."

6.In the considered view of this Court, B.Ed. Degree obtained by the petitioner from Kerala University is valid for all purposes. Since it is seen that the petitioner also possess all requisite qualifications to be considered for selection to the post of P.G.Assistant (Zoology), the respondents are directed to appoint the petitioner to the post of P.G.Assistant (Zoology) based on the selection conducted by fourth respondent for the year 2017, subject to the petitioner fulfilling all the other criteria.

7.The writ petition is accordingly allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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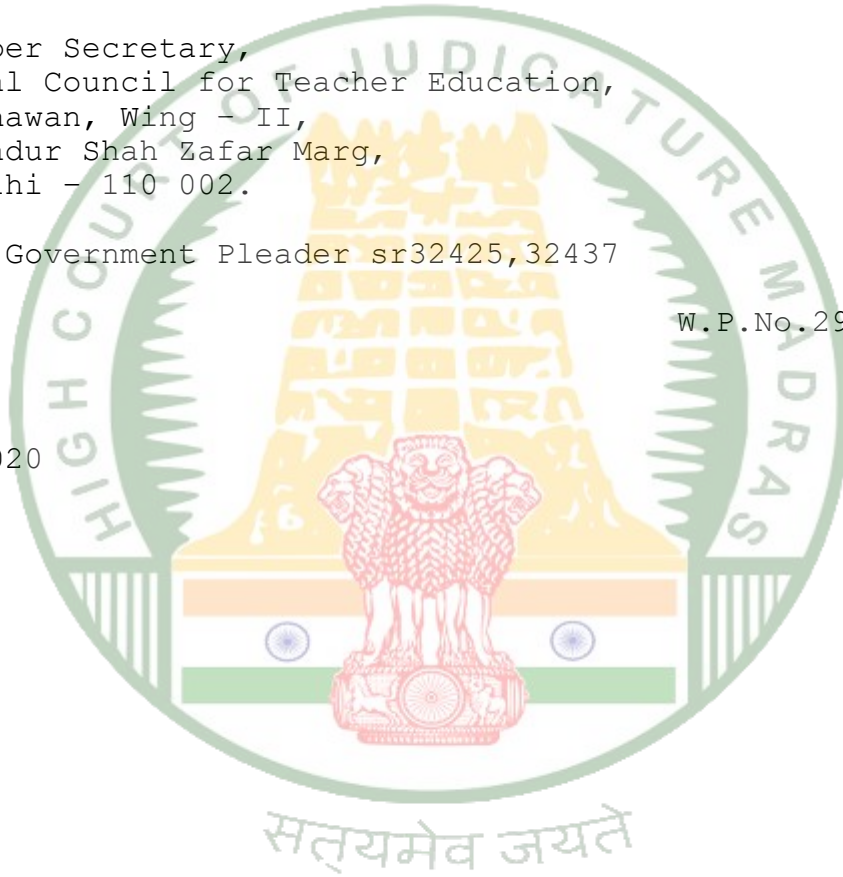
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+2 ccs to Government Pleader sr32425,32437

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