



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.14091 of 2012

and

M.P. (MD)No.2 of 2012

WEB COPY

M.Satheesh

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Secretariat, Chennai.

2.The Teachers Recruitment Board,
represented by its Member Secretary,
College Road, Chennai-6.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the files of the second respondent pertaining to its order not selecting the petitioner for the post of Special Teacher vide Recruitment of Special Teachers 2010-11 and 2011-12 Vacancies in State level Employment Seniority and quash the same and consequently direct the respondents to appoint the petitioner as a Special Teacher PET in any one of the vacancies.

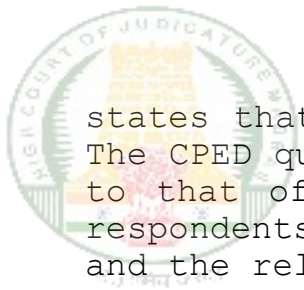
For Petitioner	:	Mr.S.C.Herold Singh
For Respondents	:	Mr.P.Mahendran
		Additional Government Pleader
		for R.1
	:	Mr.V.R.Shanmuganathan
		for R.2

ORDER

The rejection of selection done by the Teachers Recruitment Board stating that the CPED qualification of the writ petitioner was not evaluated, is under challenge in the present writ petition. The writ petitioner studied certificate course in Physical Education at Karnataka. The certificate was issued by the Karnataka Secondary Education Examination Board during May 1996. The genuinenity certificate was also issued. The District Educational Officer, Thuckalay, Kanyakumari District in his proceedings dated 18.08.2010 has issued a certificate saying that the certificate obtained by the writ petitioner from Karnataka is equivalent to the certificate issued by the State of Tamil Nadu.

2. Relying on the said order passed by the District Educational Officer, the learned Counsel appearing on behalf of the petitioner

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states that the reasons stated in the rejection order is erroneous. The CPED qualification acquired by the writ petitioner is equivalent to that of the DPED in the state of Tamil Nadu. Therefore, the respondents have committed an error in rejecting the writ petitioner and the relief is to be granted.

WEB COPY

3. Learned Counsel appearing on behalf of the second respondent Teachers Recruitment Board made a submission that during the relevant point of time, the qualification of CPED was not considered as equal to the qualification of DPED in the State of Tamil Nadu. Subsequently, a writ petition was filed and only during the year 2019, the said qualification was also held as equal to the qualification of DPED and in this regard, the Government issued G.O.Ms.No.218, dated 06.12.2019. During the relevant point of time in the year 2011, the qualification of CPED issued by the Karnataka Secondary Education Examination Board was not considered as equivalent to the qualification of DPED in the State of Tamil Nadu. This being the factum, the case of the writ petitioner cannot be considered after a long time.

4. The petitioner is aged about 46 years as of now. He participated in the process of selection. Admittedly, the equivalency certificate was issued by the District Educational Officer as per the rules in force. The equivalency of degrees or course are not granted by the District Educational Officers. The Government constituted a Committee as per the rules and the Committee has made a recommendation to the Recruitment Board regarding equivalency certificate and the Government has accepted the report of the Committee and issued orders of equivalency. If every District Educational Officer has issued an order of equivalency regarding the educational qualifications, such a power has not been vested with the District Educational Officer. This apart, the qualification of CPED was not equivalent to DPED during the relevant point of time. The equivalency was granted in the year 2019 by the Government of Tamil Nadu. This being the factum, after a lapse of long period of time, the non-selection of writ petitioner deserves no merit for consideration. The writ petition is devoid of merits. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Secretary to Government,
School Education Department,
Secretariat, Chennai.

2.The Teachers Recruitment Board,
represented by its Member Secretary,
College Road, Chennai-6.

+1 CC to M/s.GP (SR-19594[F] dated 09/10/2020)

W.P. (MD) No.14091 of 2012
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SVN(CO)

AP(20/10/2020) 3P 4C