



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

CORAM:

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

W.P. (MD)No.2822 of 2012

and

M.P. (MD)Nos.1 and 2 of 2012

WEB COPY

B.Clara

... Petitioner

Vs.

- 1.The Director of Elementary Education,
Chennai-6.
- 2.The District Elementary Educational Officer,
Trichy, Trichy District.
- 3.The Assistant Elementary Educational Officer,
Marungapuri,
Trichy District.
- 4.S.Roselin,
B.T.Assistant Tamil,
Panchayat Union Middle School,
Muthalvarpatti,
Marungapuri Union,
Trichy District.

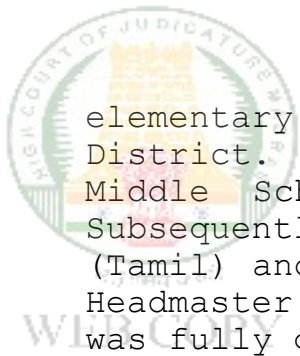
... Respondents

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 order passed by the second respondent in his proceedings in Na.Ka.No.7795/A3/2010, dated 17.08.2011 and quash the same and direct the respondents 1 and 2 to confer all the consequential benefits to the petitioner.

For Petitioner	: Mr.V.Panneerselvam for M/s C.S.Associates
For Respondents	: Mrs.S.Srimathy Special Government Pleader for R.1 to R.3 : No Appearance for R.4

ORDER

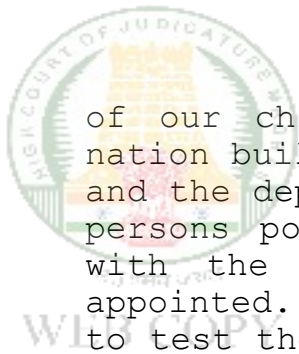
The order of promotion passed in favour of the fourth respondent by reverting the writ petitioner in proceedings dated 17.08.2011 in Na.Ka.No.7795/A3/2010 is sought to be quashed in the present writ petition. The petitioner states that she was selected and appointed as Secondary Grade teacher through Teachers Recruitment Board on 03.08.1995 and posted at Panchayat Union



elementary school, Kalpulichanpatti, Chellampatti Union, Madurai District. Subsequently, she was transferred to Panchayat Union Middle School, Paluvanchi, Marungapuri Union, Trichy District. Subsequently the petitioner acquired the qualification of B.A. (Tamil) and M.A. (Tamil). Thus she was promoted as elementary School Headmaster on 24.09.2005. In view of the fact that the petitioner was fully qualified, she was promoted as Tamil Pandit on 01.06.2010.

2. The contention of the writ petitioner is that the fourth respondent was posted as elementary school Headmaster and on account of the same, the petitioner was reverted from the post of Tamil Pandit to the post of elementary school Headmaster. The fourth respondent is not possessing the requisite educational qualification as per the rules in force. As per the judgment of the Honourable Supreme Court of India in **Annamalai University represented by its Registrar Vs. the Secretary to Government, Information and Tourism Department, Chennai**, reported in **(2009)4 SCC 590** and as per the Government Orders issued regarding the possession of educational qualifications for teachers, the fourth respondent had not completed her +2 course. In other words, she has not studied in the regular pattern of education that is to say 10th, +2, +3. Thus the fourth respondent is not qualified even for appointment as teacher and therefore, her promotion is also inconsonance with the Government Orders and in violation of the orders passed by the Honourable Apex Court of India.

3. This Court is of the considered opinion that there cannot be any compromise with reference to the possession of the educational qualifications, more specifically teaching faculties are concerned, Courts have repeatedly emphasized that requisite qualifications must be properly verified even before the appointment of teachers. A person, who has not undergone the regular educational pattern, is not eligible for appointment to any teaching post. A person aspiring to secure appointment in the education department, should establish that he/she completed the regular pattern of education by attending the Schools/Colleges. Open University degrees are held invalid. As far as the teachers are concerned, even the correspondence courses are concerned, it cannot be taken into consideration, as they are bound to take classes in the school and they must be able to teach in the class room. These facts were elaborately clarified by the Courts in many orders. Teaching is a noble profession. The nobility can be preserved only if the qualified persons are appointed. The ability of teaching, conduct and other requisite qualifications are paramount for appointment of teachers. Teaching being a noble profession, teachers are to be considered as nation builders. Teachers are not only teaching curriculum, but they are bound to mold the character of children, more specifically in schools. Unless the person of integrity with good character and requisite qualifications are appointed as teachers, it may not be possible to contribute for the development



of our children. Thus the teachers are playing vital role for nation building and the appointments are to be made with utmost care and the department is bound to initiate all steps to ensure that the persons possessing requisite qualifications strictly in accordance with the rules and the person with integrity and honesty are appointed. The selection procedures required suitable modification to test the ability of candidates to teach in a better manner. The ability and the teaching capacity must be made as a suitability and eligibility for appointment. Thus the Teachers Recruitment Board is also bound to issue proper guidelines to ensure better appointment so as to provide better educational system for the development of our great nation.

4. The facts established in the present case reveals that the writ petitioner has raised a vital point regarding the educational qualification of the fourth respondent. Learned Special Government Pleader appearing on behalf of the Education Department also states that the educational qualifications of all the candidates both the writ petitioner as well as the fourth respondent are to be verified by the competent authorities for further promotion in accordance with the Government Orders in force. However, no such proper verification has been done by the respondents in the present case. In this view of the matter, this Court is of the considered opinion that the issues require reconsideration by the competent authorities so as to verify the educational qualifications and other requisite eligibility for promotion or for appointments. Accordingly, the impugned order passed by the second respondent in proceedings Na.Ka.No.7795/A3/2010, dated 17.08.2011 is quashed and the second respondent is directed to conduct an enquiry by verifying the entire records of the writ petitioner as well as the fourth respondent, more specifically the educational qualifications and its validity by providing an opportunity to both the writ petitioner as well as the fourth respondent and take a decision and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

SSL



To

1.The Director of Elementary Education,
Chennai-6.

2.The District Elementary Educational Officer,
Trichy, Trichy District.

3.The Assistant Elementary Educational Officer,
Marungapuri,
Trichy District.

+1 CC to SPL GP (SR-19296[F] dated 07/10/2020)

W.P. (MD)No.2822 of 2012

and

M.P. (MD)Nos.1 and 2 of 2012

05.10.2020

VB (14.10.2020) 4P 5C