

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.A.No.435 of 2021
against W.P.No.16263/2020

S.Vijayalakshmi

...Appellant/Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Education Department,
Fort St. George,
Chennai - 600 009.

2. Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

..Respondents/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 21.12.2020 passed in W.P.No.16263 of 2020.

W.P.No.16263 of 2020:

Writ Petition filed under Article 226 of the Constitution of India, praying Writ of Declaration declaring that the rejection of the candidature of the Petitioners having Roll Numbers 4504314 and 2300520 respectively for the post of Computer Instructor Grade - I by the 2nd Respondent is arbitrary, violative of Articles 14 and 16 of the Constitution of India and consequently direct the 2nd Respondent to select the Petitioners for the post of Computer Instructor Grade-I pursuant to Notification No.09/2019 dated 01.03.2019 for the year 2018-2019 taking note of the marks obtained by the Petitioners in the online computer based examination held by the 2nd Respondent on 23.06.2019.

For Appellant : Mrs.Nalini Chidambaram
Senior Counsel
for M/s.C.Uma

For Respondents : Mr.C.Munusamy
Spl. Government Pleader

JUDGMENT
(Delivered by The Hon'ble Chief Justice)

The writ petitioner is in appeal against an order by which the writ petition was dismissed and her challenge to the conditions as to educational qualifications in the Teachers Recruitment Board notification for Computer Instructors for the year 2018-2019 was repelled.

2. The short grievance of the writ petitioner is that the writ petitioner is eminently qualified to obtain the post of Computer Instructor as the writ petitioner successfully completed her Master's in Computer Science and obtained the qualifying marks. In such regard, the writ petitioner refers to G.O.Ms.No.26 dated February 12, 2019. Such notification requires post graduation with at least 50 marks or its equivalent from a recognised university and Bachelor of Education from an NCTE recognised institution or post graduate with at least 45 marks from any recognised university and Bachelor of Education from an NCTE recognised institution. The writ petitioner next refers to clause 4(b)(iv) in the notification published by the Teachers Recruitment Board that requires G.O.Ms.No.361 issued by the School Education Department dated December 31, 1999 to also be followed and the candidates to possess both Bachelor's and Master's degrees in the same subject.

3. The writ petitioner claims that such condition has no nexus with the suitability of a candidate in the post of Computer Instructor. According to the writ petitioner, any candidate who has cleared the Master's in the subject with flying colours, as the writ petitioner has, would be able to occupy the post of Computer Instructor at the secondary level and the further condition that the same subject should have been studied at both the Bachelor's and Master's levels makes no sense.

4. For a first, since the writ petitioner participated in the selection process, the writ petitioner is deemed to have accepted the rules and cannot now be permitted to turn around

and challenge the same. More importantly, employers have a degree of latitude in imposing conditions that they require and unless such conditions appear to be utterly vexatious or completely absurd, the Courts would not interfere therewith. In any event, it is desirable that a candidate carries the same subject in the Bachelor's and Master's courses to have real command over the same. In the Master's course, the training on the entire gamut of the subject is not imparted, though a Master's candidate is otherwise required to study the subject in full. There is a degree of specialisation which is involved at the Master's level, whereas the broad framework of the subject is covered in the Bachelor's course.

5. In the circumstances, there does not appear to be anything absurd in the conditions imposed by the respondents. The judgment and order impugned dated December 21, 2020 also appears to have taken all relevant considerations into account. Such order does not call for any interference.

W.A.No.435 of 2021 is dismissed. There will be no order as to costs. Consequently, C.M.P.No.1727 of 2021 is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 600 009.

- 2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

+1 CC to The Government Pleader sr 20184
+1 CC to M/s.C. Uma, Advocate sr 20430.

W.A.No.435 of 2021

AAB(CO)
SP(15/04/2021)