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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

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THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 11460 of 2010
and
W.M.P. No. 1 of 2010

R.Periya Sellamuthu

... Petitioner

-vs-

1. The Chairman,
Teachers Recruitments Board,
DPI Complex,
College Road,
Chennai - 6.
 2. The Member - Secretary,
Teachers Recruitments Board,
DPI Complex,
College Road,
Chennai - 6.
 3. The Director,
Indira Gandhi Institute of Educational Research &
Higher Education,
Sponsored by Roman Catholic Christian
Minority Trust,
Coimbatore - 641 108.
- ... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to consider the B.Ed. Special Education on par with the B.Ed General Education for the recruitment of Graduate Assistants in High Schools coming under the School Education / Backward Welfare / Adi Dravidar Welfare / Corporation and consider the candidature of the petitioner to the post of Graduate Assistants.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.C.Munusamy
Spl.G.P. for R1 and R2
Mr.K.V.Sundararajan for R3

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1 and 2 to consider the B.Ed Special



Education on par with the B.Ed General Education for the recruitment of Graduate Assistants in High Schools coming under the School Education / Backward Welfare / Adi Dravidar Welfare / Corporation and consider the candidature of the petitioner to the post of Graduate Assistants.

2. The case of the petitioner is that, he has undergone the Under Graduation in B.Sc (Physics) and has become successful in the year 1993. Thereafter, he joined in the third respondent Institute in B.Ed., degree course of one year, which the petitioner successfully completed in the year 2000 and a degree to that effect was also awarded in the year 2003. Thereafter, the petitioner was acquired other qualification i.e., M.Sc., (Physics).

3. When that being so, for the year 2009-2010, the respondents / Teachers Recruitment Board decided to recruit B.T. Assistants in various subjects including Physics and accordingly, the eligible candidates names, whose eligibility having been registered in the respective Employment Exchange, was called for, wherein, the name of the petitioner is also, with aforesaid qualifications, since has been registered in the Employment Exchange, was forwarded or sponsored by the Employment Exchange to the respondents / Teachers Recruitment Board.

4. Following the said forwarding or sponsoring of the name of the petitioner along with the other candidates, the petitioner was called for certificate verification by the respondents to be conducted on 13.05.2010. Accordingly, the petitioner also attended the certificate verification on that day and the certificates of the petitioner were produced, which were verified by the respondents / Teachers Recruitment Board.

5. Thereafter, when the petitioner was awaiting for the result i.e., Selection and Recruitment to the post of B.T. Assistant (Physics), to his surprise, he was not selected and when the petitioner tried to know the reason for his non-selection, he came to understand that, because of want of qualification, his name was not selected.

6. It is to be noted that, since the petitioner had completed the one year B.Ed., - Special Education course at the third respondent Institute, instead of two years regular B.Ed., course, the same was not considered to the post of B.T. Assistant to the two years qualification being issued by various Universities and therefore, on that ground, the petitioner's candidature was rejected or not considered for recruitment. Therefore, seeking a prayer of Writ of Mandamus as prayed in the Writ Petition for selection to appoint the petitioner by considering the B.Ed., - Special Education on par with the B.Ed., - General Education, the present Writ petition has been filed.



7. Heard Mr.K.Thilageswaran, learned counsel appearing for the petitioner who would submit that, the petitioner after having acquired basic degree of B.Sc., (Physics) joined in the third respondent Institute, which is deemed to be University, where in the special curriculum of one year duration, where, the petitioner apart from the general subjects taught, in B.Ed., degree, the subject like "Learning Disability" for Special Children was also taught and he has successfully passed the same with Second Class in written examination and First Class in practical examination in the month of December 2002.

8. Therefore, when the B.Sc., (Physics) and B.Ed., degree are required qualifications for the recruitment to the post of B.T., Assistant (Physics), the petitioner's name was rightly sponsored by the Employment Exchange to the Teachers Recruitment Board and in turn, the petitioner was called for certificate verification in the year 2010 and he also attended the certificate verification. Having verified the certificates, the respondents since have not selected the petitioner, he approached this Court, he contended. Therefore, he seeks indulgence of this Court to give Writ of Mandamus as prayed for.

9. However, Mr.C.Munusamy, learned Special Government Pleader appearing for the first and second respondents, on instructions, would submit that, the essential qualifications to be considered for the purpose of recruitment to the post of B.T., Assistant is concerned, he must have the UG degree in relevant subjects and also B.Ed., degree and insofar as B.Ed., degree is concerned, it must be a B.Ed., degree of two years duration as issued by the recognized University approved by UGC and NCTE. Therefore, what is the degree in the name of B.Ed., - Special Education as awarded by the third respondent Institute to and in favour of the petitioner as a one year course, shall not be treated as a equal to regular 2 years B.Ed., course. Therefore, in view of the lack of qualification on the part of the petitioner which is the essential qualification to be considered for the appointment, the candidature of the petitioner was rightly rejected by the respondents and therefore, no indulgence can be shown in favour of the Petitioner. Hence, the learned Special Government Pleader seeks dismissal of the Writ Petition.

10. On the other hand, Mr..K.V.Sundararajan, learned counsel appearing for the third respondent would submit that, since the third respondent Institute is a Deemed University within the meaning under Section 3 of the University Grants Commission Act, 1956, it has got its own curriculum and accordingly the curriculum of B.Ed., - Special Education of one year with relevant subjects was one of the degree sponsored by the third respondent Institute, where, the petitioner was admitted and he has successfully completed the said course.



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11. On such completion, the third respondent Institute had issued necessary degree to that effect in the year 2003 to the petitioner. Therefore, the said degree which was awarded by the third respondent Institute which was deemed to be University, shall not be rejected and shall be treated as a equal qualification of regular degree of two years qualification. Therefore, the said degree of B.Ed., - Special Education of one year course awarded by the third respondent Institute to the petitioner shall be taken into account as a valid educational qualification or essential qualification and accordingly, the candidature of the petitioner can be considered by the respondents for appointment.

12. I have considered the said submission made by the learned counsel appearing for the parties. The issue raised in this Writ Petition is now in a very narrow compass, that whether the degree of B.Ed., - Special Education as has been awarded by the third respondent Institute to and in favour of the petitioner, of one year duration, is a valid degree for the purpose of recruitment and appointment to the post of B.T., Assistant or B.Ed., Graduate Teachers in the Government Schools.

13. In this context, it is to be noted that, the National Council for Teacher Education Act, 1993 was enacted by the Parliament. Once the Act has come into force, the authority, to standardize and regularize the Teacher Education System, to have uniformity throughout the country is vested in "the National Council for Teacher Education" in short called "NCTE".

14. The NCTE is vested with the power to regularize the Teachers Education System viz., primary, secondary, senior secondary education, and the courses to be imparted for teachers to be appointed in various categories as stated above. Accordingly, they framed curriculum to have courses like Diploma in Teacher Education (D.T.Ed.), Bachelor of Teacher Education (B.Ed.), Master of Teacher Education (M.Ed.) and other related Teacher Education courses.

15. Accordingly, insofar as the Teachers to be recruited for handling the classes for VI to X standard, the B.T. Assistants are recruited, for whom, the essential educational qualification is the UG degree in the relevant subject as well as B.Ed., qualification.

16. Here in the case in hand, the petitioner is having UG degree in the relevant subject, i.e., B.Sc., (Physics) and there could be no dispute on that. Insofar as the other qualification, i.e., B.Ed., degree is concerned, the B.Ed., degree awarded by the third respondent Institute stated above is B.Ed., - Special Education course. Hence, the petitioner seeks for considering the said degree on par with the regular two years B.Ed., degree.



17. This Court is not inclined to accept the said contention made on behalf of the petitioner and also by the learned counsel appearing for the third respondent Institute.

18. No doubt, the third respondent Institute may be a Deemed University declared so by the University Grants Commission under Section 3 of the UGC Act. Once the Institute is declared as Deemed University, it shall have its own curriculum and also can award degree.

19. Insofar as the Teacher Education System is concerned, unless and until, the degree awarded by any University including Deemed University is approved by NCTE, it cannot be construed as a degree having been approved for the purpose of employment and other purpose.

20. This issue has been decided in many number of cases by this Court as well as by the Hon'ble Apex Court.

21. When that being so, admittedly since the petitioner is having one year B.Ed., - Special Education course, at no point of time it cannot be treated as equal to the two year B.Ed degree being awarded by various Universities including Deemed University as approved by NCTE. Therefore, the said qualification that has been awarded to the petitioner by the third respondent Institute cannot be treated as essential or necessary qualification for the purpose of considering his candidature to the recruitment of B.T. Assistant. Hence, the rejection made by the Teachers Recruitment Board in respect of the petitioner candidature for the said recruitment is fully justifiable. Therefore, this Court feels that, no indulgence can be shown against the respondents 1 and 2 and in favour of the petitioner as has been sought for in this Writ Petition.

22. In view of the above, this Writ Petition fails and hence it is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Vji

To

1. The Chairman,
Teachers Recruitments Board,
DPI Complex,
College Road,
Chennai - 6.



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2. The Member - Secretary,
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3. The Director,
Indira Gandhi Institute of Educational Research &
Higher Education,
Sponsored by Roman Catholic Christian
Minority Trust,
Coimbatore - 641 108.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No. 8124
+1cc to Mr.K.V.Sundararajan, Advocate, S.R.No. 8584
+1cc to the Government Pleader, S.R.No. 8250

W.P. No. 11460 of 2010
and
W.M.P. No. 1 of 2010

UM(CO)
GN(15/07/2021)