

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 17029 of 2010

V.Jeevanantham

... Petitioner

-vs-

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

2. Director of School Education,
D.P.I. Complex, College Road,
Chennai - 600 006.

3. Director,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the third respondent to appoint the petitioner as a Graduate Assistant in pursuant to the certificate verification dated 13.05.2010 (Vide No. 18799).

For Petitioner :No appearance

For Respondents :Mr.S.Sureshkumar
Government Advocate for R1&R2
Mr.C.Munusamy
Special Government Pleader for R3

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the third respondent to appoint the petitioner as a Graduate Assistant in pursuant to the certificate verification dated 13.05.2010 (Vide No. 18799).

2. During the last hearing as well as today, there is no representation for the petitioner.

3. Heard Mr.S.Sureshkumar, learned Government Advocate appearing for the first and second respondents who has relied upon the averments made in the counter affidavit and submitted that, the post for which, the petitioner seeks for selection and appointment is Graduate Assistant in Physics, for which, the petitioner's certificates were verified. However, it was found that, though he is having the qualification of B.Sc., Physics, the other necessary and essential qualification i.e., B.Ed., has been obtained only in Special Education and therefore, that Special Education, since it meant for taking class for mentally retarded children, the same cannot be permitted to be an eligible qualification in the regular school, for which alone the selection has been made. Therefore, his candidature has been rejected.

4. I have considered the said submissions made by the learned Government Advocate appearing for the first and second respondents and have perused the averments made in the counter affidavit in support of his contention.

5. It is an admitted fact on the part of the petitioner that, though he is having B.Sc., Physics degree, he had studied the B.Ed., degree only in Special Education i.e., degree of Bachelor of Special Education (for mentally retarded children). Therefore, it is a special teaching, which is required to be imparted only for mentally retarded children and not for regular children in regular School. Therefore, the said qualification obtained by the petitioner cannot be treated as equal to Bachelor of Education i.e., B.Ed., General Education, which is the exact qualification required for the concerned recruitment.

6. In that view of the matter, since the petitioner does not have the qualification of B.Ed., General Education, admittedly and the petitioner is having the B.Ed., Special Education, the rejection of the candidature of the petitioner is well justified and therefore, the petitioner is not entitled to seek for any relief as claimed by him.

7. Accordingly, this Writ Petition fails and hence, it is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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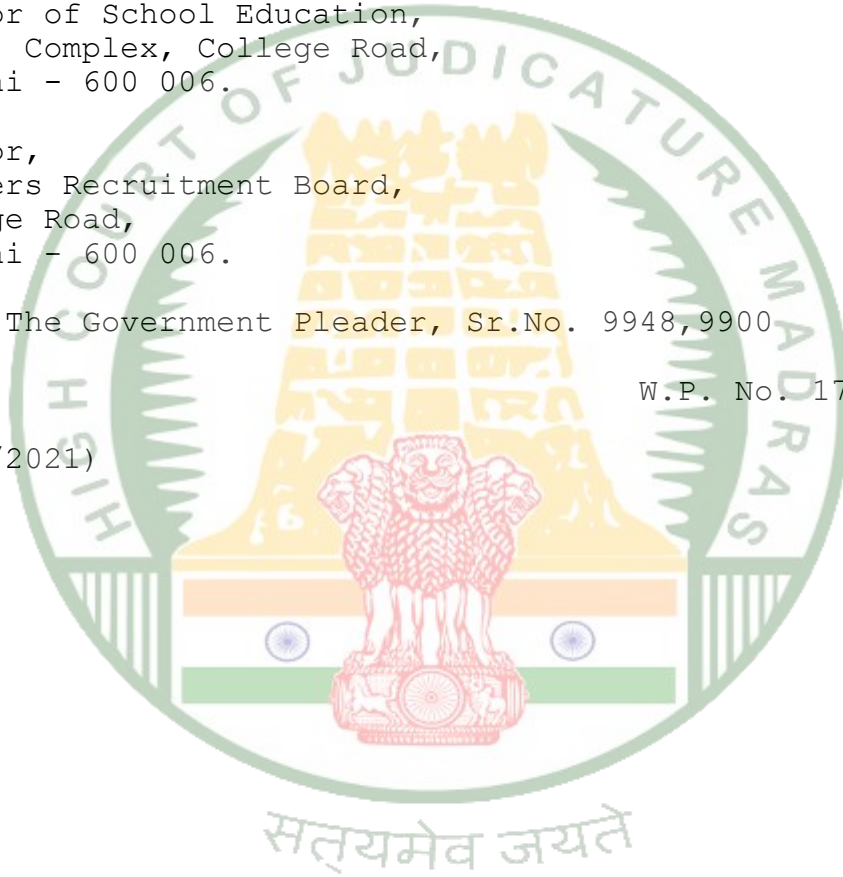
To

1. The Secretary to Government,
State of Tamil Nadu,
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2. Director of School Education,
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3. Director,
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+1 cc to The Government Pleader, Sr.No. 9948,9900

W.P. No. 17029 of 2010

SKY (CO)
RMP (25/03/2021)



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