

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 22227 of 2011

Josephin Jaya

... Petitioner

-vs-

1. The Director of School Education,  
D.P.I.Campus,  
College Road,  
Nungambakkam,  
Chennai - 600 006.
2. The Teachers Recruitment Board,  
Represented by its Member Secretary,  
E.V.K. Sampath Maaligai,  
D.P.I. Campus,  
College Road,  
Nungambakkam,  
Chennai - 600 006.
3. The Director of Teacher Education Research  
and Training,  
D.P.I. Campus, College Road,  
Nungambakkam,  
Chennai - 600 006.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to forthwith publish the result of the petitioner for selection to the post of B.T.Assistant and consequently to appoint the petitioner as B.T.Assistant.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.S.Sureshkumar for R1&R3  
Government Advocate

Mr.C.Munusamy for R2  
Special Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to forthwith publish the result of the petitioner for selection to the post of B.T.Assistant and consequently to appoint the petitioner as B.T.Assistant.

2. The petitioner obtained Bachelor's Degree of Arts in English from Bharathidasan University during the year 1996. Thereafter, he obtained Bachelor of Education in B.Ed., in Bhartiya Shiksha Parishad, Uttar Pradesh during the year 2002. The said qualifications have been registered in the District Employment Exchange.

3. While that being so, on sponsoring the names of the candidates, including the petitioner, for recruitment as Graduate Assistant i.e., B.T.Assistant, the second respondent issued a call letter dated 01.11.2010 to the petitioner to appear for certificate verification on 15.11.2010. Accordingly, the petitioner appeared before the Committee constituted by the second respondent at Trichy on 15.11.2010, where, he produced all the required certificates to be produced. According to the petitioner, after having verified those certificates, the Committee, which verified the certificates, seems to have stated that, the result will be issued, where the selection would be made and intimated.

4. Subsequently, the petitioner came to know that, she was not selected and when she verified with second respondent, through its website, she came to know that, her result has been withheld.

5. It is further submitted that she came to know the reason for withholding the result of her selection that the B.Ed., degree certificate produced by the petitioner was obtained from Bhartiya Shiksha Parishad, Uttar Pradesh which was included in a list of fake Universities. Subsequently, she found that, the name of the University has been removed from the list of fake Universities.

6. However, this controversy continued for sometime and the same has not been resolved. It is the stand of the second respondent that, unless the certificate of B.Ed., obtained from the said University is valid, as equal to the B.Ed., degree being awarded by the State Universities in this State, the candidature of the petitioner for the selection could not be cleared. Only at this juncture, this Writ Petition has been filed with the aforesaid prayer.

7. Mr.K.Selvaraj, learned counsel appearing for the petitioner by relying upon the order passed by this Court in similar situations in a batch of Writ Petition in W.P. Nos.

5521 and 5354 of 2006 dated 24.08.2010, has submitted that, similarly placed persons obtained the B.Ed., degree from the very same University since were not evaluated direction was issued in the said order to evaluate and verify the genuinity of the said University and the status of the University, whether they are entitled to issue certificate of B.Ed., degree.

8. In that line, at least the second respondent should have verified the validity. However, till date, no such move has been taken by the respondents especially the second respondent. Therefore, the stalemate is continued even till now, hence, the learned counsel for the petitioner seeks indulgence of this Court.

9. However, Mr.S.Sureshkumar, learned Government Advocate appearing for first and third respondents, on instructions, would submit that, in view of want of evaluation of the B.Ed., certificate issued by the said University from Uttar Pradesh, the results of the petitioner even though the certificates have been verified already, were withheld and the said decision continued.

10. I have heard the submissions made by both parties and have perused the materials placed before this Court.

11. The only issue which is involved in this case, is whether the B.Ed., degree obtained by the petitioner from the University called Bhartiya Shiksha Parishad, Uttar Pradesh is a valid B.Ed., degree certificate, in order to accept the same for the purpose of selection and appointment to the post of B.T.Assistant in the Government Schools in Tamil Nadu.

12. In this context, this Court feels that, the names of the called candidates, being sponsored by the Employment Exchange for appointment as B.T.Assistant in the School have not been disputed.

13. As has been rightly pointed out by the learned counsel appearing for the petitioner, already this issue came up before this Court and also before the second respondent for consideration. By an order dated 24.08.2010 as quoted above, this Court has given the following direction:

"6. In the light of the said submissions and having regard to the dispute regarding the validity of the University / Institution where from the petitioners obtained the Diploma and degree certificates, the concerned respondent is directed to consider the said issue after getting clarification from the University Grants Commission and

after finding out whether the said University is a valid University recognized by the University Grants Commission and pass orders, if it is one of the Universities recognized by the University Grants Commission. The Director of Teacher Education is directed to consider the Diploma certificate obtained by the petitioner in W.P. No. 5521 of 2006 seeking evaluation and pass necessary orders, within a period of eight weeks from the date of receipt of a copy of this order and if the petitioners are found qualified their claim for appointment may be considered by the appropriate authority.

14. When such direction is already issued by this Court in similar situations, pursuant to which, certainly, the second respondent would have explored the possibility of evaluating the certificates produced by those candidates, obtained as in the case of the petitioner and accordingly, the B.Ed., certificate produced by the petitioner can also be verified and evaluated. If the second respondent come forward to evaluate the same as equal to the certificates of B.Ed., degree, being awarded by the Tamil Nadu State Universities, this Court feels that, there could not be any impediment for the respondents to select the candidature of the petitioner for the purpose of appointment.

15. In that view of the matter, this Court is inclined to dispose of this Writ Petition with the following orders:

"(i) That the respondents especially the second respondent shall take endeavor to verify the genuinity of the University concerned i.e., Bhartiya Shiksha Parishad, Uttar Pradesh and the degree certificate of B.Ed., obtained by the petitioner and if they have the genuinity to the satisfaction of the second respondent, the certificate can be evaluated based on the input, which is going to be received, or if it has already been received by the respondents and once the second respondent has come forward to evaluate the same and accordingly the degree certificate of the petitioner is evaluated to their satisfaction, the natural corollary would be to select the petitioner for the appointment of said post.

(ii) The needful, as indicated above, shall be undertaken by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order."

16. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Director of School Education,  
D.P.I.Campus, College Road, Nungambakkam,  
Chennai - 600 006.
2. The Member Secretary,  
The Teachers Recruitment Board,  
E.V.K. Sampath Maaligai,  
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3. The Director of Teacher Education Research  
and Training,  
D.P.I. Campus, College Road, Nungambakkam,  
Chennai - 600 006.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.8210.  
+1cc to the Government Pleader, S.R.No.8477.

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AAB(CO)  
CSR 12.03.2021

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