

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.30215 of 2011

and M.P.Nos.1 of 2011 and 1 of 2012

1.D.Rajendran

2.K.Thamizharasan

3.K.Dhanapal

4.A.Rajasekaran

... Petitioners

-Vs-

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

2.The Director of School Education
DPI Compound, College Road
Chennai 600 006.

3.The Director of Elementary Education
DPI Compound, College Road
Chennai 600 006.

4.The Chairman
Teachers Recruitment Board
DPI Compound, College Road
Chennai 600 006.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the petitioners for selection and appointment to the post of B.T. Assistant (Economics) in Elementary Education as well as School Education for taking classes from Std. VI to X by passing appropriate orders on the representation dt 10.9.2011 made by the petitioners through Association.

For Petitioner :Mr.G.Sankaran

For Respondents :Mr.S.Suresh Kumar
Government Advocate -for R1 to R3

Mr.C.Munuswamy
Special Government Pleader - for R4

O R D E R

The prayer sought for herein is to direct the respondents to consider the petitioners for selection and appointment to the post of B.T. Assistant (Economics) in Elementary Education as well as School Education for taking classes from Std. VI to X by passing appropriate orders on the representation dt 10.9.2011 made by the petitioners through Association.

2. These petitioners are qualified with Post Graduate Degree in Economics with B.Ed., and are eligible for appointment to the post of teacher in Government Schools. The grievance of the petitioners is that, whenever notifications are issued for selection and appointment to the post of B.T.Assistant (thousands in numbers) in various Government Schools throughout the State for handling the classes from 6th to 8th Standard, the subject Economics is not considered. In other words, the qualified persons with B.Ed., with U.G. Or P.G. Degree in Economics are not considered for the selection and appointment to the post of B.T.Assistant for handling Classes 6 to 8 in Government Schools.

3. In this context, it is the further grievance of the petitioners that, the subject of Economics has been introduced for Classes 6 to 10 based on the Uniform System of School Education Act, 2010, which has come into force from 2010-11, where Economics subject also was to be taught for students of Classes VI to X Standard. Therefore, in order to handle the said subject, those who are having expertise in the field of Economics by having a U.G., or P.G., degree with B.Ed., would be the most suitable to handle the subject of Economics.

4. In the aforesaid background, since the candidates with Economics subject are not being considered continuously, the persons like the petitioners are declined the opportunity to participate in the selection and appointment to the post of B.T.Assistant in various Government Schools, these petitioners either individually or through the Association, made representations to the respondents in the year 2011 and thereafter. However, those representations since have not been considered in proper perspective and nothing was forthcoming from the respondents, they had approached this Court by filing the present writ petition with the aforesaid prayer.

5. Heard Mr.G.Sankaran, learned counsel appearing for the petitioners, who reiterated the aforesaid and brought to the notice of this Court that as per the new syllabus pursuant to

the Uniform System of School Education, the subject Economics has also been brought in, where at least under two heads viz., National Income and Indian Economy after Independence, the subject Economics is being taught. Therefore, for the purpose of teaching those curriculum in the Economics subject, certainly candidates like the petitioners having the apt qualification with U.G or P.G., degree in Economics with B.Ed., alone have to be considered for appointment and since these petitioners and similarly placed persons have not been considered and in this regard even though requests have been made by way of representation after representation, the respondents since have not considered, a suitable direction can be given to the respondents to consider the plea of the petitioners and take decision thereof within a time frame.

6. Per contra, Mr.S.Suresh Kumar, learned Government Advocate appearing for the respondents 1 to 3 would submit that, the subject Economics is not a separate subject taught for the students studying in Classes 6 to 10 in Government Schools and in respect of the subject being taught in all these classes, like Tamil, English, Science and Social Science is concerned, separate subject teachers are appointed as B.T.Assistant. But, insofar as Economics is concerned, since it is not a separate subject being taught in Schools especially for the classes between 6 and 10, the question of appointing teachers in the category of B.T.Assistant with the qualification of U.G., and P.G. Degree in Economics with B.Ed., does not arise and therefore the candidates with U.G., and P.G. Degree in Economics with B.Ed., are not taken into account in the selection purview for appointment to the post of B.T.Assistant. Therefore, the plea raised by the petitioners cannot be accepted by the respondents.

7. However, Mr.G.Sankaran, learned counsel for the petitioner, by way of reply would submit that, though Economics is not a separate subject for the students of 6th to 10th Standard, it is part of the subject Social Science, which consists of the subjects like History, Geography as well as Economics. Hence, certainly when the respondents think of appointing teachers with qualification in History and Geography, they should also think of teachers with qualification in Economics to be appointed, so that they can easily handle Economics subject to those students especially from 6th to 10th standard.

8. I have considered the rival submissions made by the learned counsel for the petitioners as well as the learned counsel for the respondents, and also perused the materials

placed on record.

9. Insofar as the grievance espoused by the petitioners through various representations made by them to the respondents is concerned, it is a decision to be taken by the respondents, especially the State Government / School Education Department that, in view of the improved Uniform System of School Education having been introduced in Government Schools for Classes 6 to 10, whether a separate teacher with Economics background has become a dire necessity or not, since Economics is a part of the Social Science subject. In this context, an expert opinion can also be obtained by the Government and constitute a team of experts to suggest the Government whether such a need arises for selecting teachers with Economics background or Economics subject experts with U.G., or P.G., degree in Economics with B.Ed., qualification are to be selected as B.T.Assistant at least for the limited purpose of handling Economics subject, which is part of Social Science.

10. If such an exercise is undertaken by the respondents and a decision is ultimately taken by them that would be suffice to redress the grievance of the petitioners and also similarly placed thousands of U.G., / P.G., degree holders in Economics with B.Ed.

11. In view of the above, this Court feels that, this writ petition can be disposed of with the following order.

12. That the respondents are hereby directed to consider the representation made by the petitioner and on their behalf on various dates ie., 19.08.2011, 10.09.2011, 11.10.2011 and consider those representations along with further inputs if any, supplied by the petitioners' side for which notices can be given to them and on considering those aspects including the petitioners' representations and further inputs to be supplied by the petitioners, a decision can be taken by the Government ie., the respondents herein as indicated above, for which an expert opinion from a Committee constituted in this regard can also be obtained by the Government.

13. The needful as indicated above can be undertaken within a period of three months from the date of receipt of a copy of this order, where, along with a copy of the order, the petitioners shall also send a copy of the representations as referred to above and further inputs, if any, to be added.

14. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KST

To

- 1.State of Tamil Nadu, rep.by its
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