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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18900 of 2021

and

W.M.P.Nos.20161 & 20163 of 2021

(Through Video Conferencing)

M.Shanmuga Rajulu

... Petitioner

Vs

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

2.The Director of School Education,
DPI Campus, Chennai - 600 006.

3.The Joint Director (Personnel),
DPI Campus, Chennai - 600 006.

4.The Chief Educational Officer,
Erode District.

5.The Additional Chief Educational Officer,
Samagra Shiksha Block Resource Centre,
Erode District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent Na Ka No.2829/A2/2019 dated 12.08.2021 and quash the same consequently restrain the respondents in any manner restraining/disturbing the petitioner from discharging duties as Block Resource Teacher Educator on the ground of lack of qualification.

For Petitioner : Ms.Dakshayani Reddy

For Respondents: Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

In this writ petition, the petitioner has challenged the records of the 1st respondent bearing reference Na.Ka.No.2829/A2/2019, dated 12.08.2021. The petitioner has



prayed for quashing the same to consequently restrain the respondents from in any manner disturbing the petitioner from discharging duties as a Block Resource Teacher Educator on the ground of lack of requisite qualification.

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2. Appearing on behalf of the petitioner, the learned counsel for the petitioner submits that the impugned proceedings initiated by the respondent was arbitrary and intended to harass the petitioner in as much as the petitioner had the requisite qualification for being appointed as Block Resource Teacher Educator in 2010. It asserted that, the petitioner was No 1 rank holder and was selected as a Block Resource Teacher Educator therefore impugned proceedings of the 1st respondent is liable to be quashed.

3. The learned counsel for the petitioner submits that the petitioner completed his 10th standard in the year 1991. However, on account of certain difficulties the petitioner could not completed plus 2 in the year 1993 which was later completed in the year 2009. It is submitted that during the interregnum, the petitioner graduated in Bachelor of Science in Geographic from the Madras University with first class in 2002 in terms of prevailing UGC Regulations dated 25.11.1985.

4. It is submitted that the petitioner also completed Bachelor of Education (B.Ed) through the India Gandhi National Open University during December 2007. It is further submitted that petitioner was fully qualified for being appointed as Block Resource Teacher Educator in terms of proceedings of the Teachers Recruitment Board dated 24.05.2010 and was issued with an appointment order dated 13.10.2010.

5. Appearing on behalf of the respondents, the learned Government Advocate for the respondent submits that the petitioner has only been issued with a notice and therefore the present writ petition is liable to be dismissed. It is submitted that the petitioner should file a reply and if an adverse orders passed against the petitioner, certainly the petitioner can approach at a later point of time. It is submitted that the writ petition is pre-mature.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents. This writ petition is being allowed at the time of admission in the light of the admitted facts on record. The impugned proceedings are clearly arbitrary and capricious and nothing but an harassment to lower the dignity of the petitioner.

7. When the petitioner was appointed as Block Resource Teacher Educator in the year 2010 by the Tamil Nadu Teachers Recruitment Board, there was no suppression of facts by the petitioner. The petitioner had already completed Bachelor of Science in Geography from the Madras University. He was awarded with the Certificate of Graduation in the above



discipline by the Madras University on 09.10.2003. The facts on record also indicate that though the petitioner had completed 10th standard in the year 1991 but had not completed plus 2 in 1993.

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8. When the petitioner had under graduation course in Bachelor of Science in Geography in the Madras University, UGC Regulation dated 25.11.1985 was in force. As per the above Regulation, in case, where there is no previous academic record of a student having successfully completed 12 years schooling through examination conducted by the Board/University, such student shall be eligible for admission for UG Course, if such a student had passed an entrance test conducted by the University at the time of admission provided that he is not below the age of 21 years on July 1 of the year of admission. Thus, the petitioner was not required to have completed plus 2 for pursuing UG Course.

9. There are however no records to show that the petitioner had satisfied the above requirement of the UGC Regulations of 1985. Otherwise, the admission of the petitioner into the Madras University in the above discipline appears to be in line with the above Regulation. This would require a proper verification. To that extent, the respondents can verify the records of the petitioner whether indeed, the petitioner had satisfied the requirements of the UGC Regulations of 1985 regarding the Minimum Standards of Instruction for the Grant of the First-Degree through Non-Formal/Distance Education.

10. Otherwise, the records also indicate that the petitioner has completed M.Phil with First-Class in the year 2006 and had requisite qualification to be appointed as Block Resource Teachers Educator in 2010. Post facto, after completing UG in the above discipline and Bachelor of Education from the India Gandhi National Open University during December 2007 and PG in M.Phil in 2005, the petitioner has also appeared in completed plus 2 i.e., and obtained Higher Secondary Course Certificate as a Private student during September 2009.

11. In the light of the above facts, this writ petition is allowed. The impugned proceedings initiated by the 1st respondent is liable to be quashed and is therefore quashed with liberty to the 1st respondent to verify whether had obtained the UG degree in Bachelor of Science-Geography in terms of UGC Regulation of 1985 regarding the Minimum Standards of Instruction for the grant of the First Degree through Non-Formal/Distance Education.

12. This exercise may be carried out by the respondent within a period of three months from the date of receipt of a copy of this order. If the petitioner is able to satisfy the above requirements, no further proceedings should be initiated



against the petitioner merely on the ground that the petitioner joined the Madras University by writing entrance exam and did not completed his plus 2 through Regular course as the petitioner has attended plus 1 and plus 2 during 1991-1992 and 1992-1993.

13.This writ petition stands allowed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
DPI Campus, Chennai - 600 006.
- 3.The Joint Director (Personnel),
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- 4.The Chief Educational Officer,
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- 5.The Additional Chief Educational Officer,
Samagra Shiksha Block Resource Centre,
Erode District.

+1cc to Ms.Dakshayani Reddy, Advocate SR.No.49720

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and
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PCH(CO)
GMY(01/12/2021)