

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.03.2021
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.19950 of 2010

A.Hajrathammal

... Petitioner

-Vs-

1.The Secretary to Government,
Education Department
Fort St.George, Chennai 600 002.

2.The Director, Teacher Recruitment Board
E.V.K.Sampath Buildings, College Road
Chennai 600 006.

3.The Member Secretary
Rehabilitation Council of India
New Delhi.

4.National Council for Education Research and
Training, New Delhi.

5.The Chairman
Tamil Nadu Public Service Commission
Chennai 600 006.

6.The Director of School Education, College Road
Chennai 600 006.

7.The Director of Elementary Education
Chennai 600 006.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to enlist the petitioner in the tentative list of candidates provisionally selected for the appointment of direct recruitment of Graduate Assistant Teachers through Employment Registration State Seniority 2009-2010.

For Petitioner : Mr.S.K.Masthan
for M/s.K.V.Ramesh

For Respondents : Mr.S.Suresh Kumar, Government Advocate
- for RR 1, 6 and 7
Mr.C.Munusamy, Special Govt.Pleader
- for R2
Mr.Karthik Rajan, Standing Counsel
- for R5

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to enlist the petitioner in the tentative list of candidates provisionally selected for the appointment of direct recruitment of Graduate Assistant Teachers through Employment Registration State Seniority 2009-2010.

2. The petitioner was having the qualification of B.Sc (Mathematics) and B.Ed Special Education (Visually Impaired) Generality Course. With these two degrees, the petitioner has registered in the Employment Exchange on 10.10.2006.

3. The respondent Teachers Recruitment Board called for Certificate Verification, which was held on 23.09.2008 before the respondent Teachers Recruitment Board and all the certificates of the petitioner had been verified. Thereafter, no orders have been passed on the selection and appointment of the petitioner as Graduate Assistant Teacher and in this regard, though several attempts have been made and representations have been given, nothing was forthcoming from the respondent Board and hence the petitioner has filed the present writ petition with the aforesaid prayer.

4. Reiterating the aforesaid facts, the learned counsel for the petitioner would seek the indulgence of this Court to give a direction to the respondent to select and appoint her to the post of Graduate Assistant Teacher.

5. Per contra, Mr.S.Suresh Kumar, learned Government Advocate appearing for the respondents, by relying upon the averments made in the counter affidavit would contend that, no doubt based on the Employment Exchange seniority, the petitioner was also called for Certificate Verification on 23.09.2008 and on that date when the certificates of the petitioner were verified it was found that, the B.Ed Degree obtained by the petitioner was B.Ed Special Education (Visually Impaired) Generality Course and therefore it is not a regular B.Ed Degree and that qualification cannot be considered. Accordingly, the candidature of the petitioner was rejected.

6. In this context, the learned Government Advocate relied upon the following averments made in the counter affidavit.

" 3. I submit that the petitioner states that she obtained B.Sc., Mathematics degree in the year 2005 and passed her B.Ed., Special Education (Visually Impaired) Degree in September 2006 and registered with the employment exchange on 10.10.2006.

4. I further submit that the petitioner was called for certificate verification on 29.03.2008 and after certificate verification, it was came to knowledge that the petitioner has obtained her B.Ed., degree in Special Education and not in general education. Since the petitioner was having B.Ed., Degree Special Education (Visually impaired) her candidature has been treated as non-eligible for the appointment to the post of Graduate Assistant as per the Rules.

5. I further submit that even though the Government makes any order declaring equivalence it would be of no use to the petitioner as at the time of calling for recruitment and while conducting certificate verification there were no such orders binding the Board.

6. I further submit that the petitioner has placed relevance upon the letter given by Registrar, University of Madras stating that B.Ed., Special Education shall be considered for both regular as well as Special Schools. It is only the opinion of the University that the B.Ed Special Education can be considered at par with regular B.Ed., but it has no binding effects upon this respondent Board. Hence, the averment of the petitioner is not sustainable.

7. I further submit that now the National Council for Teacher Education has issued circular dated 11.02.2011 laying down guidelines for conducting Teacher Eligibility Test (TET) under Right of Children to Free and Compulsory Education Act and as per the guidelines the essential qualification is that he should pass TET conducted by the Government as per the rules framed by NCTE. Accordingly, the petitioner now has to take up TET to become eligible for selection and appointment as teacher."

7. I have considered the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

8. Though the petitioner was called for Certificate Verification based on the Employment Exchange seniority and she did attend the Certificate Verification on 29.03.2008, at that time only the respondents came to know that, the petitioner got the B.Ed., Degree in Special Education, which was specifically meant for Visually Impaired children. It is to be noted that,

the post of Graduate Assistant Teacher was a regular post for which a regular B.Ed., Degree was a must.

9. Though a further plea was raised by the petitioner that, a certificate was given by the University of Madras that, both the degrees are equal, however, it is the stand of the Teachers Recruitment Board that, based on the educational qualification prescribed by the National Council for Teacher Education, in the absence of the equivalence certificate issued by the competent authority, the plea of the petitioner that the B.Ed., degree obtained by the petitioner ie., B.Ed., in Special Education cannot be treated as equivalent to B.Ed., regular Degree and therefore, for all these reasons, the candidature of the petitioner since has been rejected by the Teachers Recruitment Board, this Court feels that, such a rejection cannot be found fault with.

10. In the result, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Education Department, Fort St.George, Chennai 600 002.
- 2.The Director, Teacher Recruitment Board
E.V.K.Sampath Buildings, College Road, Chennai 600 006.
- 3.The Member Secretary, Rehabilitation Council of India, New Delhi.
- 4.National Council for Education Research and Training, New Delhi.
- 5.The Chairman,
Tamil Nadu Public Service Commission, Chennai 600 006.
- 6.The Director of School Education, College Road, Chennai 600 006.
- 7.The Director of Elementary Education, Chennai 600 006.

+3cc to Mr.K.V.Ramesh, Advocate SR.NO..21325

+1cc to The Government Pleader SR.NO..21420

AKM/27.04.21/ 4P-12C/

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