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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28608 of 2017

and

W.M.P.Nos.30775 & 30776 of 2017

R.D.Priyadharshini

... Petitioner

Vs

1.The Secretary to Government,
Government of Tamil Nadu,
Higher Education (G1) Department,
Fort St.George, Chennai - 600 009.

2.The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.v.K.Sampath Building,
College Road, Chennai - 600 006.

3.The Director of School Education,
DPI Complex,
College Road,
Nungambakkam, Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to declare the Bachelor of Engineering is also a basic degree on par with other Bachelor Degree as eligible to be appointed as B.T. Assistant Teacher by making necessary amendment to the Service Rule and allot reasonable percentage of vacancies in the post of B.T. Assistant Teacher and consequently appoint the petitioner being B.E. B.Ed., Degree holder as B.T. Assistant Teacher in continuation of the Recruitment process dated 11.07.2017 by the 2nd respondent.

For Petitioner : Mr.T.Aananthi

For R1 & R3 : Mr.A.Raja Perumal, AGP

For R2 : Mr.C.Munusamy, Spl. GP



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ORDER

The relief sought in this writ petition is to direct the 1st respondent to declare the Bachelor of Engineering on par with other Bachelor Degrees as eligible to be appointed as B.T. Assistant by making necessary amendment to the Service Rules and allot reasonable percentage of vacancies in the said post and consequently appoint the petitioner as B.T. Assistant, pursuant to the Recruitment process dated 11.07.2017 conducted by the 2nd respondent.

2. According to the petitioner, she successfully completed B.E. Course in the year 2013 and thereafter she passed B.Ed. in the year 2017. In order to get qualified to the post of B.T. Assistant, she appeared Teacher Eligibility Test and passed the same as well. However, she was not considered for the post in question, though the petitioner was called for certificate verification on 26.07.2017. It is the grievance of the petitioner that she is fully qualified and eligible for appointment to the post of B.T. Assistant, but her candidature was not considered on the ground that B.E. Degree is not a prescribed basic qualification to hold the post in question. Hence, she made a representation dated 05.09.2017 to the respondents, seeking to amend the rules pertaining to the post of B.T. Assistant. Finding no response on the said representation, she has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner contended that the petitioner has undergone 10+2+3 pattern of study and obtained the qualification of B.E. and B.Ed., besides passing TET and hence, she is fully qualified and eligible for appointment to the post of B.T. Assistant. But, her candidature was not considered by the respondent authorities stating that the degree of Bachelor of Engineering is not a prescribed basic qualification, which is arbitrary, illegal and discriminatory in nature. In this regard, the learned counsel referred to G.O. (1D).No.168 Higher Education (G1) Department Dated 07.07.2015 and G.O. (1D).No.158 Higher Education (G1) Department Dated 11.05.2017, wherein, the Government granted approval for the guidelines prescribed for admission of students in B.Ed course in Government /Government Aided / Self Financing Colleges of Education for the respective years 2015-16 and 2017-18, as per clause II (viii) (1) of which, the candidates who have done their Bachelor Degree in Engineering or Technology with specialization in Science and Mathematics are eligible for admission to B.Ed., degree programme. As such, there is no justification on the part of the respondent authorities, to deny the claim of the petitioner seeking appointment to the post of BT Assistant, stating that the B.E degree is not a prescribed basic degree to be considered for appointment to the post in



4. On the other hand, the learned counsel appearing for the respondent authorities fairly submitted that the representation of the petitioner would be considered and appropriate orders be passed by the respondent authorities on merits and in accordance with law, within a time frame to be stipulated by this Court.

6. Admittedly, the petitioner underwent 10+2+3 pattern of study and successfully completed B.E. and B.Ed. and also passed TET and thus became eligible for appointment to the post of B.T. Assistant. However, she was not considered by the respondent authorities for the post in question, on the ground that B.E degree is not a prescribed basic degree.

8.Hence, in the given facts and circumstances of the case, this Court, in the interest of justice, directs the respondent authorities to consider the representation of the petitioner dated 05.09.2017 and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.(1D).No.168 Higher Education (G1) Department Dated 07.07.2015 and G.O.(1D). No.158 Higher Education (G1) Department Dated 11.05.2017, within a period of eight (8) weeks from the date of receipt of copy of this order.



9. With the above direction, this writ petition is disposed of. No costs, Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mtl

To

1. The Secretary to Government,
Government of Tamil Nadu,
Higher Education (G1) Department,
Fort St. George, Chennai - 600 009.

2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.v.K.Sampath Building,
College Road, Chennai - 600 006.

3. The Director of School Education,
DPI Complex,
College Road,
Nungambakkam, Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.18591

W.P.No.28608 of 2017

UM(CO)
GN(16/07/2021)