



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No.329 of 2018

and

W.M.P (MD) .Nos.342 and 343 of 2018

C.Palaniammal

.. Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.

2.Teachers Recruitment Board,
Rep. by its Member Secretary,
BVK Sampath Malilgai,
DPI Compund,
College Road, Chennai-06.

3.Vinayaga Mission University,
rep. by its Registrar,
Periya Seeragapadi,
Salem-636 308.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st Respondent in connection with the impugned Clause 6(4) of Government Order in G.O.Ms.No.3 Higher Education (K2) Department, dated 05.01.2016 and consequential impugned order of rejection passed by the 2nd respondent vide his impugned proceedings in Na.Ka.No.9555(1)/A3/2017 dated 06.10.2017 and quash the both as illegal, arbitrary and unconstitutional insofar as the petitioner's case is concerned and thereby direct the 1st and 2nd Respondents to appoint her in the post of Post Graduate Assistant in Physics under SC(A)(W) in any Government Higher Secondary School based on the provisional selection list for



certificate verification within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For R1 : Mr.K.S.Selvaganesan
Standing Counsel for State

For R2 : Mr.VR.Shanmuganathan
Standing Counsel

For R3 : Mr.S.Anwar Sameem
for M/s.T.Antony Arulraj

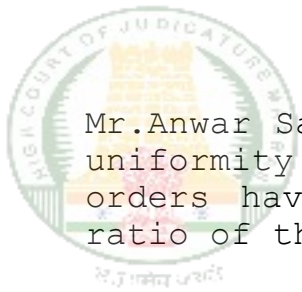
ORDER

The petitioner challenges G.O.Ms.No.3 Higher Education (K2) Department, dated 05.01.2016, in particular, Clause 6(4), and a consequential order of rejection passed by R2, that is, Teachers Recruitment Board (TRB), dated 06.10.2017. She seeks a direction to the State/R1 and R2 to appoint her in the post of Post Graduate Assistant in Physics under SC(A)(W) in any Government Higher Secondary School based upon the provisional Selection List for certificate verification, within a time frame to be stipulated by this Court.

2.The second respondent is represented by Mr.VR.Shanmuganathan, brings to my notice earlier orders passed by this Court in W.P(MD). No.32799 of 2019 dated 05.12.2019 in the case of ***R.Sutha v. State of Tamilnadu represented by its Principal Secretary to Government and others***, which dealt with the issue as to whether a B.Ed., degree obtained by that petitioner from a college recognised by the Kerala University could be considered as valid for appointment to the post of P.G.Assistant (Zoology). That writ petition came to be allowed, taking note of an order passed in W.P(MD).No.28755 of 2017 dated 30.11.2017, wherein that candidate had obtained a B.Ed., degree from the Vinayaka Missions University.

3.The Courts ultimately held that the B.Ed., degrees obtained by those candidates from Kerala University and the Vinayaka Missions University respectively be held to be valid for the purpose of appointment. The impugned clause in G.O.Ms.No.3 dated 05.01.2016 was quashed. Order dated 30.09.2020 passed in W.P(MD).No.29650 of 2017 reiterates the same conclusion in the context of a degree awarded by the Kerala University. The aforesaid orders have attained finality.

4.Insofar as Benches of this Court have held that B.Ed., degree obtained from Universities in Kerala as well as the Vinayaka Missions University, arrayed as R3 herein, and represented by



Mr.Anwar Sameem are to be considered as valid, in the interests of uniformity and more particularly, for the reason that the aforesaid orders have neither been challenged by the State nor by R2, the ratio of the same are applied in the present case as well.

5.Clause 6(4), to the extent to which it impacts the petitioner herein adversely, is quashed and this writ petition is allowed. Consequential orders be passed within a period of four weeks from today. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

To

1.The Principal Secretary,
State of Tamilnadu,
Department of School Education,
Fort St. George,
Chennai-600 009.

2.The Member Secretary,
Teachers Recruitment Board,
BVK Sampath Malilgai,
DPI Compund,
College Road, Chennai-06.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-33716[F]
dated 08/11/2021)

+1 CC to M/s.SPL.GP (SR-33758[F] dated 09/11/2021)

W.P. (MD) No.329 of 2018

08.11.2021

MGJ/PM(15.11.2021) 3P 5C