



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)NO.1424 OF 2014

and

M.P(MD)No.2 of 2014

- 1.The Chairman,
The Teachers Recruitment Board,
D.P.I Complex, Egmore, Chennai.
 - 2.The Director of School Education,
Chennai -6.
 - 3.The Director of Elementary Education,
Chennai-6. ...Appellant/Respondents 1to3
- .vs.**
- 1.D.Selvakani ...First Respondent/Petitioner
 - 2.The University Grants Commission,
represented by its Chairman,
New Delhi - 110 005.
 - 3.The Indira Gandhi Institute of Higher Education,
represented by its Secretary,
Holy Cross Campus, Thadagam,
Kannvai, Coimbatore - 641 108. ...Respondents 2 and 3/
Respondents 4 and 5

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.8488 of 2008, dated 21.02.2014.

Prayer in WP(MD). 8488/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to amend the prayer to issue a Writ of Certiorari or Mandamus, or any other appropriate writ or order or direction in the nature of writ calling for the records pertaining to the order passed by the 1st respondent published in website dated September 2008 and quash the same and direct the respondents to select and appoint the petitioner as a Project Coordinator and Block Resource Teacher Educator in Tamil and pass such further or other orders as may deem fit.



For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent-1 : Mrs.Porkodi Karnan

For Respondents : No appearance
2 and 3

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JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal is filed by the Teachers Recruitment Board aggrieved by the order of the learned Single Judge made in W.P(MD) No.8488 of 2008, dated 21.02.2014.

2.The Writ Petitioner, who is the first respondent in the Writ Appeal, had filed the Writ Petition praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent therein and to quash the same and direct the respondents to select and appoint the Petitioner as a Project Coordinator and Block Resource Teacher Educator in Tamil.

3.The Writ Petitioner was qualified with M.A degree in Madurai Kamaraj University and completed her M.Phil Course in the year 2002 and has passed the B.Ed Course in Indira Gandhi Institute of Higher Education, Coimbatore in May 2005 and she has registered her name with the Dindigul Employment Office in the year 2000. Whileso, the first respondent had called for direct recruitment to the post of Project Co-ordinator and Block Resource Educator in Tamil. As the Writ Petitioner was fully qualified for the said post, she had applied for the same and she attended the Certificate Verification with her original certificates. However, she was not selected and there was no reason assigned for not selecting her. Therefore, she preferred the above Writ Petition challenging the non-selection of the Petitioner for appointment to the said post.

4.The appellants herein had filed a counter affidavit and contended that the Writ Petitioner's non-selection was on the ground that the B.Ed degree which was obtained by her was through one Indira Gandhi Institute of Higher Education, Coimbatore, which is an unrecognized University. The degree certificate obtained by her from the said institution cannot be considered as an educational qualification. Therefore, the only question that has to be now decided is whether the B.Ed degree obtained by the first respondent herein from the Indira Gandhi Institute of Higher Education,



Coimbatore is legally sustainable. The learned Single Judge had held that the said Indira Gandhi Institute of Higher Education, Coimbatore is shown as one of the recognized institution and based on the said fact, had approved the qualification of the Writ Petitioner and allowed the Writ Petition and a direction was given to appoint her in the vacancy that was reserved in the interim direction granted by this Court. Now the said order granted by this Court is put to challenge in this Writ Appeal.

5.The learned Special Government Pleader appearing for the appellants would produce the list of institutions offering B.Ed degree in the State of Tamil Nadu approved by the National Council for Teacher Education. It is pointedly argued by the learned Special Government Pleader that the institution from where the Writ Petitioner qualified herself, does not find a place in the said list. The said list was issued by the National Council for Teachers Education.

6.The learned counsel for the first respondent also had furnished a list of colleges affiliated to the Tamil Nadu Teachers Education University and the college in which the Writ Petitioner/first respondent herein qualified from, is shown in S.No.11 with College Code as 10313.

7.The learned Special Government Pleader appearing for the appellants pointed out that the said University itself was established under the TamilNadu Teachers Education University Act, 33 of 2008. Even presuming that the college is affiliated, whether the course offered as B.Ed is recognized has to be established by the Writ Petitioner.

8.A perusal of the degree certificate produced by the first respondent/Writ Petitioner would go to show that for the examination written by the Writ Petitioner in the month of May 2005, degree was issued on 16.6.2006. Even presuming that the college which the first respondent has studied from, is affiliated, the affiliation is only after the University itself is established. When the University itself is established in the year 2008, it is not possible for the said Indira Gandhi Institute of Higher Education, Coimbatore to get affiliation on the date when the first respondent passed her examination in B.Ed Course. Therefore, on that day when the first respondent had qualified herself, it is from an unrecognized College without any affiliation from any of the recognized Universities. Therefore, the first respondent cannot be said to have possessed the requisite qualification of B.Ed degree for the said post of Project Coordinator and Block Resource Educator in Tamil and she does not deserve the right of being appointed to the said post at that point of time.

9.In the light of the above discussion, the order of the learned Single Judge made in W.P(MD)No.8488 of 2008, dated 21.2.2014



is set aside and the Writ Appeal stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

VSN

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Chairman,
University Grants Commission,
New Delhi - 110 005.
- 2 .The Chairman,
The Teachers Recruitment Board,
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Chennai.
3. The Director of School Education,
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4. The Director of Elementary Education,
Chennai-6.

JUDGMENT MADE IN
W.A(MD)NO.1424 OF 2014 and
M.P(MD)No.2 of 2014
02.03.2021

NA(CO)
SRS (11/03/2021) 4P : 5C