



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.09.2021

Delivered on : 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. [MD]No.1426 of 2017

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R.Anitha Rani

... Appellant/Writ Petitioner

Vs.

1.The Teacher Recruitment Board,
Rep. by its Chairman,
Chennai -6.

2.The Joint Director of School Education,
(Personal),
Chennai - 6.

3.The Chief Educational Officer,
Ramanathapuram District.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 05.06.2017, in W.P.[MD]No.2987 of 2013.

Prayer in WP(MD). 2987/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.9911/A5/2012 dated .01.2013 and quash the same and direct the respondents to permit the petitioner to join in service as per the appointment order dated 10.12.2012 [Prayer amended as per order dt. 14.08.14 in MP.1/14]

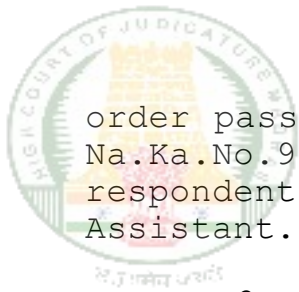
For Appellant	: Mr.V.Panneer Selvam
For 1 st Respondent	: Mr.VR.Shanmuganathan
For Respondents 2 & 3	: Mr.R.Ragavendran
	Government Advocate

JUDGMENT

[Judgment of the Court was delivered by **V.BHARATHIDASAN, J.**]

Challenging the order of dismissal of the Writ Petition in W.P.(MD) No.2987 of 2013, dated 05.06.2017, the present Writ Appeal has been filed. The Writ Petition has been filed challenging the

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order passed by the third respondent, in and by his proceedings in Na.Ka.No.9911/A5/2012, dated .01.2013, by which, the third respondent not permitting the petitioner to join the post of B.T. Assistant.

2.Heard Mr.V.Panneer Selvam, learned counsel for the appellant, Mr.VR.Shanmuganathan, learned Standing Counsel appearing for the first respondent and Mr.R.Ragavendran, learned Government Advocate, appearing for respondent Nos.2 and 3.

3.The facts leading to the filing of the Writ Petition is that, the petitioner has passed the higher secondary course in the year 1993 and obtained under graduation degree in B.Sc. (Home Science) in April, 1997; she has completed her M.A. (History) through distance education programme of Madurai Kamaraj University and thereafter, she obtained B.Ed. Degree in December, 2009. In the mean time, she joined B.A. (History) degree course in distance education mode in the year 2007 in Madurai Kamaraj University and completed the course in the year 2012. Thereafter, she applied for B.T. Assistant post in History subject, for which, the required minimum qualification is a bachelor degree in History subject and B.Ed. degree. That apart, the petitioner has also passed Teacher Eligibility Test, conducted by the Teachers Recruitment Board in 2012. After verification of certificates, appointment order was issued to the appellant on 10.12.2012. However, she was not allowed to join duty on the ground that the B.A. degree obtained by the appellant is not a valid degree and she has undergone B.Ed. Course and B.A. Degree course simultaneously during the same academic year 2009 and hence, she is not eligible to be appointed as B.T. Assistant.

4.Earlier, the appellant filed the Writ Petition, seeking a Writ of Mandamus, directing the respondents to permit her to join the service. Pending the Writ Petition, an order has been passed by the third respondent on 24.01.2013, not permitting the petitioner to join duty and hence, the prayer in the Writ Petition was amended, challenging the order passed by the third respondent. The learned Single Judge, considering the materials available on record, dismissed the Writ Petition, holding that she has obtained reverse degree under graduate degree after obtaining Post Graduate degree, which is not permissible. That apart, the appellant completed B.A. degree and B.Ed. degree simultaneously, which is also not permissible. Hence, she is not eligible to be appointed as B.T. Assistant in History Subject.

5.Mr.V.Panneer Selvam, learned counsel for the appellant submitted that even though the appellant joined the B.A. degree course through distance education mode in the year 2007, she has not pursued the degree, she paid the Tuition Fees only in the year 2011. Thereafter, she completed the course in the year 2012. From



obtained by her are not simultaneous degrees, debarring her from getting appointed as B.T. Assistant.

6.The learned counsel appearing for the respondents submitted that admittedly the petitioner pursued the B.Ed. Degree during the academic year 2008-2009 and B.A. Degree during the academic year 2007-2010 and only after completing the B.Ed. Degree in the year 2009, she completed the B.A. Degree in the year 2012. The petitioner obtained two degrees through distant educational mode from two different universities simultaneously, which is not permissible in law. In such circumstances, the simultaneous degrees obtained by the appellant cannot be considered as a valid qualification, thus, the petitioner's claim for appointment has been rightly rejected.

7.We have considered the rival submissions and perused the materials available carefully.

8.It is an admitted case that the petitioner joined the B.A. (History) in the academic year 2007 through distance education mode. Though she joined the course in the year 2007, she has completed the course only in the year 2012. Simultaneously, she has joined the B.Ed. Course in the year 2008-2009, and both the degrees were pursued simultaneously in the year 2009.

9.It is the contention of the learned counsel for the appellant that even though she has joined B.A. Degree course in the year 2007, she has paid the fees only in the year 2011 and completed the course only in the year 2012, completed the B.Ed. course during 2008-2009 and she did not pursue both the degrees simultaneously. The said contention cannot be countenanced for the simple reason that, she joined the under graduate course in the year 2007 itself through distant education mode and completed the same in the year 2012. Merely, because she paid the tuition fees in the year 2011 and completed the course in the year 2012, it cannot be construed that she had pursued the course in the academic year 2011-2012, as under graduate degree course is a three years course. Hence, it is clear that the appellant has pursued both the B.Ed. And B.A. Degree course simultaneously. Recently, a Full Bench of this Court in **R.Chitra v. Member Secretary, Government of Tamil Nadu [2021 (3) CTC 369]**, (to which, one of us is a party (VBDJ)) has held that the dual degree obtained simultaneously in the same academic year is not valid unless and until, the UGC recognizes such degree courses and the employer has right to reject the same. Hence, the issue involved in this Writ Appeal is no more *res-integra*. In such circumstances, we find no infirmity in the order passed by the learned Single Judge and we find no merits in the Writ Appeal and the same is liable to be dismissed.



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W.A.[MD]No.1426 of 2017

10. Accordingly, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

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 Joint Director of School Education,
(Personal),
Chennai - 6.

2. The Chief Educational Officer,
Ramanathapuram District.

+1 CC to M/s.V.PANNER SELVAM, Advocate (SR-35013[F] dated
18/11/2021)

W.A. [MD]No.1426 of 2017

16.11.2021

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RS (03.12.2021) 4P 4C