



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.22192 of 2017

and

W.M.P.(MD).Nos.23349 of 2019 and 18497 of 2017

N.R.Maheswari

.. Petitioner

Vs

1.The Teachers Recruitment Board,
rep. by Member Secretary,
Government of Tamil Nadu,
4th Floor, E.V.K.Sampath Malligai,
D.P.I.Campus,
College Road, Chennai-600 006.

2.The Secretary to Government,
Government of Tamil Nadu,
Personnel and Administrative Department,
Secretariat,
Chennai-600 009.

.. Respondents

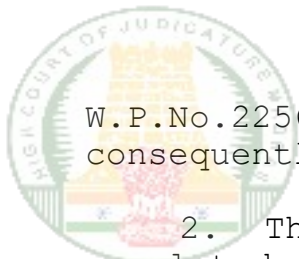
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to appoint the petitioner for the post of junior grade assistant / educator/block resource teacher based upon the judgement in wp.no.2256 of 2006 dated 15.11.2010 from the original seriously consequently pay all other service benefits and pass such formly or other order of this court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.P.Thirumahilmaran

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

This petition has been filed, seeking to direct the 1st respondent to appoint the petitioner for the post of Junior Grade Assistant/Educator/Block Resource Teacher based upon the judgment in



W.P.No.2256 of 2006 dated 15.11.2010 from the original seniority consequently pay all other service benefits.

2. The case of the petitioner is that the petitioner completed Bachelor Degree in Physics on April 1991 and finished M.Ed., degree in the year 1993. Thereafter, the petitioner appeared for the Teachers Recruitment Board examination conducted by the first respondent during the year 2005-2006 for the post of Junior Grade Assistant and passed in the examination and a call letter was issued to the petitioner to appear before the first respondent for certificate verification. Accordingly, the petitioner appeared for certificate verification, however, the first respondent did not select the petitioner on the ground that she possessed only M.Ed., instead of B.T or B.Ed., degree by the recognized University. Challenging the said same, the petitioner filed W.P.No.2256 of 2006 for directing the respondent appoint the petitioner in the post of Junior Grade Assistant/Educator/Block Resource Teachers in the Government Middle/High/Higher Secondary School. This Court, by its order, dated 15.11.2010 disposed of the writ petition with a declaration that the master degree in educational technology obtained by the petitioner is equivalent to the M.Ed., awarded by any other University. It is more than a B.Ed., or B.T. qualification and the petitioner is entitled for selection process in the future vacancy. Hence, the petitioner sent a representation on 21.11.2015 to the respondents in this regard. But, so far the said representation was not considered. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 21.11.2015 is disposed of by the respondents at the earliest.

4. Learned Special Government Pleader appearing for the respondents would submit that the prayer in this writ petition and the earlier writ petition filed by the petitioner is one and the same and already this Court has declined the said prayer. Now, the petitioner has come up with the same prayer before this Court, is not maintainable. Further the recruitment process was already over and the appointment is not based on the employment seniority and it is based on the competitive examination conducted by the Teachers Recruitment Board. Though this Court has held that M.Ed., degree is valid with the degree of B.Ed., or B.T qualification, the petitioner shall participate in the future selection process conducted by the Teachers Recruitment Board. Hence, he prays for dismissal of this writ petition.

5. Considering the facts and circumstances of the case, as rightly pointed by the learned Special Government Pleader, the prayer in this writ petition and the prayer in the earlier writ petition is one and the same and admittedly, the prayer was already rejected by this Court in the earlier writ petition. However, this



equivalent to B.Ed., degree and thus, this Court has only validated the degree obtained by the petitioner and not granted the prayer sought for by the petitioner. Hence, the prayer sought for in this writ petition is misconceived. However, the petitioner is at liberty to participate in the future selection process.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

PJL

To

1.The Member Seceretary

The Teachers Recruitment Board,
Government of Tamil Nadu,
4th Floor, E.V.K.Sampath Malligai,
D.P.I.Campus,
College Road, Chennai-600 006.

2.The Secretary to Government,

Government of Tamil Nadu,
Personnel and Administrative Department,
Secretariat, Chennai-600 009.

+1 CC to M/s.P.THIRUMAHILMARAN, Advocate (SR-9233[F] dated 05/03/2021)

W. P. (MD) .No.22192 of 2017

05.03.2021

GS (21.05.2021) 3P 4C