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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A. No.1502 of 2013

K.Murthy,
S/o Krishnan,
Noon Meal Organiser,
Panchayat Union Elementary School,
Alankuppam, Dindivanam Taluk,
Villupuram Taluk.

...Appellant

Vs.

1.Tamil Nadu Teacher Recruitment Board,
Rep. by its Chairman,
E.V.K. Sampath Building, College Road,
Chennai-600 006.

2.Tamil Nadu Teacher Recruitment Board,
Rep. by its Member Secretary,
E.V.K.Sampath Building, College Road,
Chennai-600 006.

... Respondents

Prayer: Writ appeal is filed under Clause 15 of the Letter Patent praying to set aside the order dated 03.07.2012 made in W.P.No.16456 of 2012.

Prayer in W.P.No.16456 of 2012:

Writ Petition filed Under Article 226 of the Constitution of India, directing the respondents to appoint the petitioner as B.Ed Graduate Teacher, or any other similar nature of appointment in any of the Government Schools in the State of Tamil Nadu on par with other passed candidates, on the strength of the petitioner selection to appeal for the Special Test as petitioner was found as qualified after verifying his certificates, and acquiring of eligibility by passing the Special Test, and in the light of obtaining of B.Ed Degree as per Regular Stream and eligibilities as per the criteria found in G.O.Ms.No.4 dated 5.1.2010



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For Appellant : Mr.R.Mohandoss
for M/s. Swaminathan
Law Associates

For Respondents: Mr.K.V.Sajeev Kumar
Spl. Government Pleader

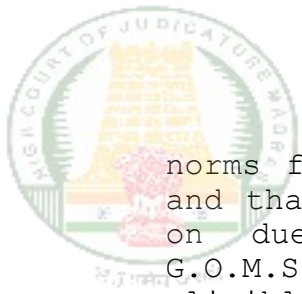
JUDGMENT

S.VAIDYANATHAN, J.
and
MOHAMMED SHAFFIQ, J.

The present appeal has been preferred against the order of the learned Single Judge dated 03.07.2012 in W.P.No.16456 of 2012.

2. It is the case of the writ petitioner that the appellant/ writ petitioner has completed S.S.L.C in March 1980 and appeared for H.S.C and unfortunately failed in one subject i.e Mathematics. While so, the system of entrance examination was introduced by the University of Madras to benefit the candidates, who have failed in H.S.C examination, to join Bachelor Degree. Subsequently the writ petitioner also attended the entrance examination and based on the marks obtained by the appellant/writ petitioner, he was permitted to join B.A. History. However, the writ petitioner has joined B.A. History, without completing H.S.C and based on the said degree qualification, he has completed B.Ed also. Thereafter, the Government of Tamil Nadu issued a G.O.Ms.No.4 of, Social Welfare and Nutritious Meals Department dated 05.01.2010 to accommodate the B.ED degree holders as Noon Meal Organizers"and Anganwadi Workers" by conducting Special Examination. By virtue of the said Government Order the petitioner was eligible to appear for Special Recruitment Examination for selection to the post of B.Ed Graduate Teacher in the Government Schools and the writ petitioner/appellant had applied for the post but, his candidature was rejected by the respondents vide letter made in Ne.Mu.Ka.No.7959/Sa.Vu.Thil/2010 dated 10.01.2011 against which the writ petition filed in W.P.No.16456 of 2010 for a direction to the respondents to appoint the petitioner as B.Ed Graduate Teacher, as he was in possession of the requisite qualification as per G.O.M.S.No.4 dated 05.01.2010 was dismissed by the learned single Judge vide order dated 03.07.2012. Aggrieved by such dismissal, the writ petitioner is before this Court as Appellant.

3. The learned counsel for the writ petitioner/appellant submitted that even though the writ petitioner/appellant, does not possess H.S.C qualification, he has satisfied all other



norms fixed by the University of Madras to join the graduation and that he has also completed the graduation in regular stream on due fulfillment of eligibility criteria as per the G.O.M.S.No.4 dated 05.01.2010. Thus, it is submitted that he is eligible to participate in the Special Recruitment Examination and denial of his candidature is not acceptable. Hence, he prays to allow this writ appeal by setting aside the order passed by the learned single Judge.

4. The learned special Government Pleader appearing for the respondents does not deny the fact that the writ petitioner/appellant possess a degree, but, he did not obtain the said degree through regular mode i.e 10+2+3, which was the reason for the rejection of his candidature. He further contended that even going by the written submission filed by the appellant in support of the writ petition, he had clearly stated that he had joined B.A. History without completing H.S.C qualification and after completion of B.A. History, he has joined B.Ed. and completed the said degree in 1991, which reveals that the writ petitioner/appellant has not pursued his degree through 10+2+3 mode. Hence he prays to dismiss this writ appeal and confirm the order of the learned single Judge.

5. Heard both sides and perused the material available on record.

6. The point for consideration in this case is as to whether the writ petitioner is eligible to participate in Special Recruitment Examination or not. This Court, time and again repeatedly held in various Judgments that unless a person possesses the qualification through a regular stream of education i.e., 10 +2+ 3, such Degree cannot be recognised. In this case, admittedly, the writ petitioner did not possess 12th Standard/ +2/ Higher Secondary at the time of obtaining B.A. History and B.Ed. and thereafter, cleared +2 Mathematics, after completing the aforesaid two degrees. Such being the position this Court cannot compel the respondents to act in the manner desired by the appellant and to recognise his degree so as to be eligible to take part in the Special Recruitment Examination.

7. In view of what is stated herein above, the above, this Court is of the view that the order passed by the learned single Judge is perfectly valid and no interference is required and the prayer sought for in this writ appeal cannot be granted. Accordingly, this Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



smn/mka

To:

1.The Chairman
Tamil Nadu Teacher Recruitment Board,
E.V.K. Sampath Building, College Road, Chennai-600 006.

2.The Member Secretary,
Tamil Nadu Teacher Recruitment Board,
E.V.K.Sampath Building, College Road, Chennai-600 006.

+2 ccs to M/s. Swaminathan, Advocate Sr.NO. 16208

W.A. No.1502 of 2013

mg (CO)

A.SK(06/06/2022)