



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2190 of 2022
and
W.M.P.No.2359 of 2022

A.Thandavan

... Petitioner

vs.

1. The Government of Tamil Nadu,
Rep. by Principal Secretary to
Government School Education
Department,
Secretariat, Chennai - 600 009.

2. The Chairman,
Teachers Recruitment Board,
IV Floor, EVK Sampath Maligai,
DPI Compound,
College Road, Chennai - 600 006.

3. The Commissioner of School Education,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the Order in Proceedings Na.Ka.No.3439/LC./L3/2015 dated 18.11.2015, to quash the same and to issue consequential direction to the 2nd respondent to select the petitioner for appointment as Graduate Teacher (English) in Tiruvallur District and recommend his name to the 3rd respondent for such appointment, based on his educational and other qualifications.

For Petitioner : Mr.S.Balakrishnan

For RR1 & 3 : Mrs.P.Raja Rajeswari
Government Advocate

For R2 : Mr.C.Kathiravan
Standing Counsel



O R D E R

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent relating to the Order in Proceedings Na.Ka.No.3439/LC./L3/2015 dated 18.11.2015, to quash the same and to issue consequential direction to the 2nd respondent to select the petitioner for appointment as Graduate Teacher (English) in Tiruvallur District and recommend his name to the 3rd respondent for such appointment, based on his educational and other qualifications.

2. The case of the writ petitioner is that the petitioner has passed B.A (Economics), M.A English and B.A (Double Degree) in English and also passed TNTET paper-II. He was not selected as Graduate Assistant due to double degree in English. Therefore,, he made a representation to the 2nd respondent Board. Since his representation was not considered, the petitioner has filed W.P No.24324 of 2015 before this Court and this Court, by an order dated 07.08.2015 directed the 2nd respondent to consider the petitioner's representation. Thereafter, the 2nd respondent Board has rejected the petitioner's representation on 18.11.2015 as he was not qualified for the post of Graduate Assistant as on 01.07.2013. Based on the earlier order passed in W.P. No.34643 of 2017 dated 14.11.2017 and W.P No.33973 of 2017 dated 04.01.2018, the petitioner made a representation to the 2nd respondent Board, but the same was rejected by the 2nd respondent Board. Therefore, such double degree cannot be considered for the appointment in the light of the decision taken by the Division Bench of this Court dated 29.04.2021 made in W.A(MD) No.1102 of 2020. The petitioner made a representation to the Government by relying upon the order passed in W.P No.34643 of 2012 dated 14.11.2017 filed by one Ajitha Purushothaman v. Chairman, TRB and another. But the same has not been considered till date. Therefore, similar relief was sought for by the petitioner in the instant petition challenging the order of the 2nd respondent Board.

3. In the counter affidavit filed by the 2nd respondent Board, it is stated that the petitioner has relied upon the order passed in W.P No.34643 of 2012 dated 14.11.2017 in the case of Ajitha Purushothaman v. Chairman, TRB and another. As against the said order, the respondent Board has preferred an appeal in W.A.No.1591 of 2018 before the Division Bench of this Court and the same was allowed on 16.02.2022. Therefore, according to the 2nd respondent Board, the writ petitioner is not eligible for the selection to the post of BT Assistant.



4. Considering the said fact and the decision as relied on by the 2nd respondent Board, the said identical issue has already been discussed and decided by this Court. In view of the aforesaid decision, in the present case on hand, since the petitioner possesses double degree in English, he cannot be eligible for selection to the post of BT Assistant and therefore, in view of the said contention of the 2nd respondent Board, there is no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition stands dismissed. No costs. If the petitioner satisfy the eligible criteria as per the fresh recruitment notification, he can very well participate in the next recruitment. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Department of School Education
Secretariat, Chennai - 600 009.
2. The Chairman,
Teachers Recruitment Board,
IV Floor, EVK Sampath Maligai,
DPI Compound,
College Road, Chennai - 600 006.
3. The Commissioner of School Education,
Chennai - 600 006.

+1cc to Mr.M.Ravi, Advocate, S.R.No.18097

+1cc to the Government Pleader, S.R.No.18178

W.P.No.2190 of 2022
and
W.M.P No.2359 of 2022

PL (CO)
SU (06/04/2022)