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WP No.38161 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.38161 of 2016
And
WMP No.32694 of 2016**

A.Vasanthi

..

Petitioner

vs.

1.The District Elementary Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.

2.The Additional Assistant Elementary Educational Officer,
Thurinjapuram Union,
Tiruvannamalai District.

3.Karthikeyan

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second



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respondent in Na.Ka.No.01/A2/2016 dated 13.10.2016 and quash the same and consequently directing the respondents 1 and 2 to promote the petitioner to the post of B.T. Assistant (Science) in Thurinjapuram Union for the panel year 2016-2017 by cancelling the illegal promotion granted in favour of third respondent with all consequential and other attendant benefits.

For Petitioner	: Mr.G.Sankaran
For Respondents-1 and 2	: Ms.S.Mythreye Chandru, Special Government Pleader.
For Respondent-3	: Mr.P.Ganesan for M/s.C.S.Associates.

ORDER

The order of rejection rejecting the claim of the writ petitioner for grant of promotion to the post of B.T. Assistant (Science) in Thurinjapuram Union, Tiruvannamalai District for the panel of the year 2016-2017, is under challenge in the present writ petition.

2. The petitioner was appointed as Secondary Grade Teacher in the Elementary School, Thurinjapuram Panchayat Union, Tiruvannamalai District and she was promoted to the post of Primary School Headmistress



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on 16.06.2008.

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3. The petitioner states that she acquired B.Lit., degree in the year 2003, B.Ed., through Indira Gandhi National Open University in the year 2009 and studied B.Sc., (Physics) through Distance Education Mode conducted by St. Peters University in the academic year 2012-2013.

4. On completion of B.Sc., (Physics) in May 2015, the results were declared on 22.12.2015. Thereafter, the petitioner submitted an application to enter the qualification of B.Sc., (Physics) in her Service Register. Thus, she became eligible for promotion to the post of B.T. Assistant (Science).

5. The panel for the year 2016 was prepared and the petitioner was placed in Serial No.1 in the panel for promotion to the post of B.T. Assistant (Science). However, the petitioner was not promoted on the ground that the degree of B.Sc., (Physics) obtained by her through Distance Mode of Education from St. Peters University, is unrecognised and the said



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Course was not recognised by the University Grants Commission (UGC).

Therefore, based on the invalid degree, the Department cannot grant promotion to the petitioner for the post of B.T. Assistant (Science).

6. The petitioner earlier filed writ petition in WP No.26384 of 2016 challenging the proceedings dated 19.07.2016 and sought for a direction to promote her to the post of B.T. Assistant (Science). This Court disposed of the said writ petition on 28.07.2016 and the relevant paragraphs 8 and 9 read as under:-

“8. Having regard to the above submission of the counsel for the petitioner, the petitioner is directed to treat the impugned order of the second respondent as a show cause notice. The petitioner is directed to submit her explanation to the said show cause notice, within a period of one week from the date of receipt of a copy of this order. The second respondent, after receiving the explanation, shall pass orders on merits and in accordance with law, within a period of two weeks thereafter. It is made clear that till such order is passed, no promotion



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should be given.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.”

7. Pursuant to the orders of this Court, the learned counsel for the petitioner also sent a letter on 30.07.2016 to the District Elementary Educational Officer, Tiruvannamalai District and the Additional Assistant Elementary Educational Officer, Thuringapuram Union, Tiruvannamalai District.

8. Considering all the facts and materials available on record, the Additional Assistant Elementary Educational Officer, Thuringapuram, Tiruvannamalai District passed final orders on 13.10.2016, which is under challenge in the present writ petition.

9. The issue to be considered in the present writ petition is whether the petitioner acquired the B.Sc., (Physics) degree from St. Peters University and such a degree is recognised by the University Grants



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Commission (UGC) or not?.

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10. The learned counsel for the petitioner relied on the Government Order issued in G.O.Ms.No.39, Personnel and Administrative Reforms Department, dated 30.04.2014, wherein the amendments were issued to Rule 19 of Tamil Nadu State and Subordinate Services General Rules.

11. In the Amendment, the Universities and the Institutions recognised by the University Grants Commission (UGC) were listed out state-wise and the name of St. Peters Institute of Higher Education and Research, Chennai (Deemed University) is placed in Serial No.508 and therefore, the St. Peters University is recognised by the University Grants Commission (UGC) and thus the B.Sc., (Physics) degree is to be held as valid for the purpose of promotion to the B.T. Assistant (Science).

12. The learned counsel for the petitioner reiterated that the petitioner secured admission for B.Sc., (Physics) Course Distance Mode of



Education during the academic year 2012-2013 and at the time of securing admission, the Course was recognised as far as St. Peters University is concerned and therefore, the degree is to be construed as valid for the purpose of appointment and promotion.

13. The learned Special Government Pleader, appearing on behalf of the official respondents, objected the said contentions raised on behalf of the petitioner by stating that the B.Sc., (Physics) Course in entirety is to be recognised by the University Grants Commission (UGC) for the purpose of validating the said degree. The University has not even sent any reply to the query raised by the Department regarding the recognition of B.Sc., (Physics) degree Course studied by the petitioner in the St. Peters University.

14. It is contended that the petitioner studied the degree Course of B.Sc., (Physics) during the academic years, namely, 2012-2013, 2013-2014 and 2014-2015. However, the petitioner states that the said Course was recognised during the academic year 2012-2013 alone, but not



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regarding the recognition of other two academic years, namely, 2013-2014 and 2014-2015, the respondent-Department has written a letter to the University, but there was no response from the University. Thus the petitioner had not established that the degree of B.Sc., (Physics) was recognised by the University Grants Commission (UGC) during the relevant academic years, namely, 2013-2014 and 2014-2015.

15. The learned Special Government Pleader, appearing on behalf of the official respondents, reiterated that as per the directions of this Court in WP No.26384 of 2016 dated 28.07.2016, the explanation of the petitioner has been considered and a speaking order has been passed by the second respondent in proceedings dated 13.10.2016.

16. In fact, the petitioner has studied in St. Peters Institute of Higher Education and Research (Deemed University) during the unrecognition period i.e., 2013-2014 and 2014-2015. Even as per the letter of the University dated 07.01.2015, besides the petitioner has failed to produce Eligibility Certificate as required by the second respondent.



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17. The letter of the petitioner addressed to the Registrar of St. Peters Institute of Higher Education (Deemed University), has though forwarded to the Registrar of St. Peters University, no reply has been received. Thus the Department arrived a conclusion that the petitioner has failed to establish the validity of the degree certificate either from the Government or from the Deemed University concerned. Hence, the petitioner was not considered for promotion to the post of B.T. Assistant (Science).

18. The petitioner furnished the copy of the information provided by the University Grants Commission (UGC) under the Right to Information Act and the application was submitted by one Mr.Kishan Mohan. In the reply dated 07.01.2015, the University Grants Commission (UGC) has stated that “the extension was also renewed for 2012-2013 subject to decision of the Hon'ble Supreme Court. No further extension has been given to this University (i.e., St. Peters University)”. It is further stated in the reply by the University Grants Commission (UGC) that “Distance Education Bureau (DEB) does not authenticate the certificates issued by the



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Universities. The application is being forwarded to St. Peters University for a direct reply to the candidates”. Therefore, the letter issued by the University Grants Commission (UGC) under the Right to Information Act, reveals that the Distance Education Bureau does not authenticate the certificates issued by St. Peters University and further forwarded those applications to the said University for a direct reply to the candidates.

19. The learned counsel for the third respondent made a submission that in June 2013, University Grants Commission (UGC) has taken over Distance Education Council by establishing Distance Education Bureau (DEB), which will govern the Distance Education Programmes in India. The University Grants Commission (UGC) has constituted a Committee to examine the pending programmes by the recognition of the Institutions. In this context, it is established that the Course underwent by the petitioner i.e., B.Sc., (Physics) in St. Peters University was not recognised, more specifically, during the academic years, namely, 2013-2014 and 2014-2015.



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20. Beyond the issue regarding unrecognition of the degree of

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B.Sc., (Physics) acquired by the petitioner from St. Peters University, this Court has repeatedly held that teaching posts are to be filled only through the candidates, who have undergone the Course by Regular Pattern of Education by attending the Schools and Colleges. The Constitutional Courts across the country emphasised on several occasions that teaching, being a noble profession, the teachers are to be appointed by following the rules in scrupulous manner. The candidates undergone Under Graduation, Post Graduation or the degree Course through Open University Mode or through Distance Education Mode, cannot be in a position to teach the students in classroom in an efficient manner, since they may not have any classroom experience.

21. The classroom experience is of paramount importance for the purpose of teaching the students in schools and colleges. This exactly is the reason, the Courts have emphasised that the teachers both in schools and colleges have to be appointed only if they have undergone the Regular Pattern of Education through Regular Mode of Education in Schools and



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Colleges. Now on account of liberalised Educational Policies, many Universities on commercial motive introduced number of Courses through Distance Education Mode, Correspondence Mode and through Open University System.

22. When large scale of such Schemes are opened to the candidates to acquire degrees, the Education Departments in the State of Tamil Nadu must ensure that the candidates studied only through Regular Pattern of Education in Schools and Colleges are appointed as teachers for imparting education in Schools and Colleges, since large scale Schemes and Courses are available and many irregularities and illegalities are prevailing as of now. The Government has to ensure that selections are made strictly screening the educational qualifications and evaluating the ability of the candidates for appointment to teaching posts.

23. Unless strict measures are taken in this regard, the Education System would suffer and on account of such illegalities, irregularities or otherwise, many complaints and issues are raising from



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Schools and Colleges across the State of Tamil Nadu. Now every candidate is tempted to acquire degree through Open University System Distance Mode and secure appointment in an easy way and in an easy manner, which would cause greater prejudice to the interest of the children and the students studying in Schools and Colleges.

24. In the present case, the petitioner has under undergone three years B.Sc., (Physics) Course in St. Peters University, which is a Deemed University under Section 3 of the University Grants Commission Act. However, the petitioner could not establish that the B.Sc., (Physics) Course undergone by her through Distance Education Mode during the year academic years, namely, 2013-2014 and 2014-2015 was recognised by the University Grants Commission. As per the letter of the University Grants Commission dated 07.01.2015 issued in response to RTI application, the Distance Education Bureau (DEB) does not authenticate the certificates issued by the Universities. The application is being forwarded to the St. Peters University for a direct reply to the candidates. Thus it is clear that the B.Sc., (Physics) degree obtained by the petitioner from St. Peters University



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is not a valid degree for the purpose of public appointments or promotions as per the Scheme prevailing in the State of Tamil Nadu. Therefore, the petitioner is not entitled for the relief as such sought for in the present writ petition.

25. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

1.The District Elementary Educational Officer,
Tiruvannamalai District,

14/16



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Tiruvannamalai.

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2. The Additional Assistant Elementary Educational Officer,
Thurinjapuram Union,
Tiruvannamalai District.

S.M.SUBRAMANIAM, J.

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