



W.P.No.5479 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5479 of 2016

and

W.M.P.No.4823 of 2016

P.Kanimozhi

... Petitioner

-Vs-

1. The Teacher Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.

2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent in Rc.No.4548/B.T./2015 dated 25.9.2015 and to quash the same and consequently directing the respondents to select and appoint the petitioner to the post of B.T. Assistant (History) based on the marks secured by the petitioner in the selection conducted in the year 2013 (13TE64200023) with all consequential and other attendant benefits with arrears of salary with interest.



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For Petitioner : Mr.S.Nedunchezhiyan
For Respondents :
For R1 : Mr.C.Kathiravan, Spl.G.P.
For R2 : Mrs.S.Mythreyechandru, Spl.G.P.

ORDER

The order rejecting the request of the writ petitioner to consider her for selection for the post of B.T.Assistant, is under challenge in the present writ petition.

2. The petitioner states that she has completed SSLC in March 2003. She had passed the Preparatory Program Entrance Test and secured admission to B.A. (History) Degree Course and completed the Degree in the year 2009. However, the petitioner without passing the Higher Secondary Course, directly secured admission to the B.A. Degree Course. Thus, the petitioner thereafter completed the Higher Secondary Course and thereafter completed the B.Ed Course.

3. The petitioner sent a representation that she has to be considered for selection and appointment to the post of B.T. Assistant (History), based on the marks secured by her in the process of selection held in the year 2013. However, the authorities competent verified the educational



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qualification of the writ petitioner and found that the petitioner had not studied the Degree course in the regularized pattern of education under the UGC regulations and therefore, she is not eligible for appointment for the post of B.T. Assistant (History).

4. Admittedly, the petitioner completed the Higher Secondary Course after passing the B.A. Degree in History, and the pattern through which the petitioner secured educational qualification is not in accordance with the UGC pattern of education and therefore, as per the Government Orders and Rules in force, the petitioner was held as not qualified for selection and appointment to the post of B.T.Assistant.

5. The educational qualification prescribed for appointment to teaching posts at no circumstances be compromised. The candidates who acquired the educational qualification through regular pattern alone are to be considered. Even, the distant mode of education cannot be considered, since the teachers appointed have to take classes in the classrooms, and thus, the candidates, who acquired the educational qualification through regular educational pattern as per the UGC regulations alone are considered for appointment for teaching courses.



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6. As far as the petitioner is concerned, she had even studied the Degree Course through distant education mode and further studied one year +2 (Higher Secondary) course and that too studied after acquiring the Degree and for all these reasons, the petitioner is not possessing the educational qualification through regular pattern and thus, this Court does not find any infirmity in respect of the reasons stated in the order impugned.

7. Accordingly, the writ petition stands **dismissed**. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

08.11.2022

Index : Yes
Speaking order
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To

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S.M.SUBRAMANIAM.J.,

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