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W.P.No. 2571 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 2571 of 2017
and
W.M.P.No. 2533 of 2017

K. Mohan

... Petitioner

Vs.

1. The Director of School Education,
College Road, Chennai – 600 006.

2. The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai – 600 006.

...

Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent issued in proceedings No. Nil dated Nil and quash the same insofar as it relates to the rejection of the candidature of the petitioner is concerned and issue a consequential direction to the respondent to treat the petitioner as eligible candidate for appointment to the post of B.T. Assistant.

For Petitioner
For Respondents

: Mr. R. Saseetharan
: Mrs. S. Mythreyechandru
Special Government Pleader
for R1
Mr. C. Kathiravan
Special Government Pleader (TRB)



for R2

ORDER

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The proceedings of the Teachers Recruitment Board declaring the petitioner as ineligible for direct recruitment to the post of B.T Assistant in the year 2014, is under challenge in the present writ petition.

2. The petitioner states that he passed 10th standard in March, 1982 and +2 in April, 1984. Thereafter, he studied 3 years B.Sc. degree in Mathematics at evening college at Pachayappa College, Chennai from 1984 to 1987. However, he could not continue due to some family circumstances. Thereafter, he passed M.A. (History) in the year 1994 through open university system at Annamalai university. He passed B.Ed. Degree in the same university in May 1996. Subsequently, the petitioner passed B.A. (History) in May 2011 in Annamalai University. Thus, the petitioner submitted an application for appointment to the post of B.T. Assistant in History in Government High and Higher Secondary Schools. The candidature of the writ petitioner was rejected on the ground that he is not eligible for appointment to the said post, since he had not completed the degree in the regular pattern of education i.e. 10 +2 +3. The petitioner has



first completed M.A. and thereafter B.Ed. Degree and subsequently passed B.A (History) degree and therefore he is not eligible for appointment to the post of B.T. Assistant. Therefore he was found not eligible for appointment to the post of B.T. Assistant.

3. Teaching is a noble profession. Teachers appointed must possess education in accordance with the regular pattern as contemplated under the UGC Regulations. The candidates who studied regular course alone must be held eligible for appointment to the teaching post. Persons, who have not even attended classes may not be taking classes to the children and students in the schools. Therefore, the education department is expected to select and appoint candidates who have undergone the regular pattern of education through regular courses, even the degrees obtained through open university or correspondence course may not be suitable for appointment to the teaching post as class room experience plays pivotal role in performing the teaching profession. However, the education department appointing the candidates studied in correspondence course cannot be appreciated by this Court. The candidates who have regularly studied in the regular pattern by attending the classes alone must be eligible and suitable for taking classes to the students in the education department.



4. For the Large number of appointments made in the education department, verification and scrutinization of educational qualification are of paramount importance. There are several allegations and misconduct frequently in the public domain, more specifically in schools. Thus, the women and men possessing the requisite qualification in the regular pattern of education must be considered for selection and appointment to the teaching post.

5. In the present case, the petitioner studied M.A. (History) through open university system and thereafter studied B.Ed. Course and subsequently completed B.A. (History) from Annamalai University.

6. In the Annamalai University case, in Civil Appeal No. 4173 of 2008, dated 25.02.2009, the Hon'ble Supreme Court of India has held that the open university degree is invalid and therefore the petitioner was found not eligible for appointment during the relevant point of time. If at all the petitioner subsequently studied the regular course in the regular pattern of education by attending the classes then he may be eligible to participate in the process of selection. This Court cannot given any declaration as such



sought for, since the verification of the education qualification are to be done whenever the process of selection is undertaken by the competent authorities.

7. With this Clarification, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Director of School Education,
College Road, Chennai – 600 006.
2. The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai – 600 006.



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S.M.SUBRAMANIAM, J.

mrn

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W.P.No. 2571 of 20

