



WP No.34943 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-10-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.34943 of 2019

And

WMP No.35725 of 2019

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Petitioner

VS.

- 1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.
- 2.The Commissioner,
Department of Art and Culture,
Tamil Development Complex,
Tamil Salai, Egmore,
Chennai – 600 008.
- 3.The Secretary,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
St. George Fort,



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Chennai – 600 009.

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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 of the first respondent proceeding Na.Ka.No.6764/R3/2019, dated 20.09.2019 and quash the same and further direct the first respondent to appoint the petitioner on the basis of the temporary selection list published by the first respondent based on her qualifications.

For Petitioner : Mr.P.Chandrasekar

For Respondent-1 : Mr.C.Kathiravan,
Special Government Pleader (TRB).

For Respondents-2 and 3 : Mr.P.Sanjay Gandhi,
Government Advocate.

O R D E R

The order of rejection rejecting the candidature of the writ petitioner for selection and appointment to the post of Music Teacher in the Education Department, is under challenge in the present writ petition.

2. The petitioner states that she has completed the three years Course in Violin at Government District Music School at Salem. It is a three years Course and the petitioner passed in I Class. She participated in the



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process of selection for appointment to the post of Music Teacher in the Department of Education. Recruitment was conducted through the Teachers Recruitment Board and the petitioner was successful in the process of selection as she was within the zone of consideration.

3. The appointment of the writ petitioner was withheld on the ground that the petitioner has not produced the equivalence order with reference to the degree obtained by her from the Government District Music School at Salem.

4. In this regard, the learned Government Advocate, appearing on behalf of the respondents 2 and 3, furnished the copy of the Government Order issued in G.O.Ms.No.221, Department of Tourism, Culture and Religious Endowments, dated 23.12.2021. The issue was referred to the Equivalence Committee and pursuant to the recommendations of the Equivalence Committee, the Music/Violin District Music School passing certificate offered by the Department of Government Examinations in Tamil Nadu is declared equivalent to the Sangeetha Bhushana or Isai Kalaimani



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degree issued by the Annamalai University.

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5. Accordingly, the Course studied by the petitioner was declared equivalent for selection and appointment to the post of Music Teacher in the Department of School Education. In other words, the degree was recognised for appointment to public services in the State of Tamil Nadu. The qualification prescribed as per the Recruitment Notification was that a Degree with Music under Part-III or Sangeetha Bhushana of Annamalai University or Sangeetha Vidwan Title in Music awarded by the Director of Government Examinations, Madras or Sangeetha Siromani of the Madras University or Diploma in Music of the Madras University or Madurai University or Government Technical Examination Certificate (Higher Grade) in Music or with 40% in Music (Theory and Practical) separately under the Diversified Course and Technical Teachers Certificate or Diploma in Music Teaching awarded by the Director of Government Examinations or Teachers Certificate in Indian Music issued by the Director of Government Examinations.



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6. The petitioner, who studied the Music Violin at Government District Music School at Salem and secured I Class. She is eligible for appointment to the post of Music Teacher as per the Recruitment Notification issued by the respondents.

7. The petitioner was not appointed for want of Equivalence Certificate to be issued by the government. Now the Government issued Equivalence Committee in G.O.Ms.No.221, Department of Tourism, Culture and Religious Endowments, dated 23.12.2021 and therefore, the case of the writ petitioner is to be considered for selection and appointment. Since the it is not in dispute that the petitioner is within the zone of consideration in the process of selection, she is entitled for appointment.

8. Accordingly, the order impugned passed by the first respondent in proceedings Na.Ka.No.6764/R3/2019, dated 20.09.2019 is quashed and the respondents are directed to select and appoint the petitioner to the post of Music Teacher based on her selection within a period of six



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weeks from the date of receipt of a copy of this order.

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9. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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