



WEB COPY

W.P.(MD) No.1382 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1382 of 2021

and

W.M.P. (MD) No.1183 of 2021

K.Nirmala

... Petitioner

vs.

1.The State of Tamil Nadu
rep.by its Secretary
School Education Department
Secretariat, Chennai

2.The Chairman
Teachers Recruitment Board
4th floor, E.V.K.Sampath Maligai
College Road, Chennai-6

... Respondents

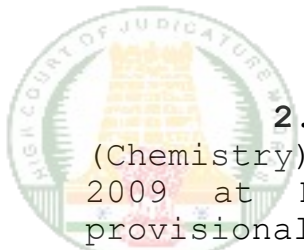
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to appoint the petitioner as P.G.Assistant (Chemistry) pursuant to her selection made in furtherance of notification dated 12.06.2019 for the year 2018-2019 taking into account of the B.Sc. (Chemistry) and M.Sc. (Chemistry) degree obtained by the petitioner at Kuvempu University, Karnataka, a Recognized University in terms of Schedule-II of the Rule 19(b) Explanation (i) of the Tamil Nadu State and Subordinate Service Rules corresponding to provision U/s.25 of the Tamil Nadu Government Servants (Condition of Service) Act, 2016 within the period stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1

O R D E R

The relief sought for in this writ petition is to direct the respondents to appoint the petitioner as P.G.Assistant (Chemistry) pursuant to her selection made in furtherance of Notification dated 12.06.2019 for the year 2018-2019 taking into account the B.Sc. (Chemistry) and M.Sc. (Chemistry) Degrees obtained by her from Kuvempu University, Karnataka, a Recognized University.



2. The petitioner states that she completed B.Sc. (Chemistry) during the year 2004-2007 and M.Sc. (Chemistry) during 2009 at Kuvempu University, Karnataka. She had obtained a provisional eligibility certificate from Tamil Nadu Teacher Education University, Chennai, for admission to B.Ed., Degree Course on 29.08.2013 and completed B.Ed., Degree in first class with distinction during the year 2014.

3. Pursuant to the Recruitment Notification, dated 12.06.2019, published by the second respondent, the petitioner applied for P.G.Assistant (Chemistry) and participated in the selection process and she was successful in the selection process and selected. However, she was not appointed on the ground that she has completed her M.Sc. Degree in Kuvempu University, Karnataka.

4. The learned Senior Counsel appearing for the petitioner reiterated that even as per the Tamil Nadu State and Subordinate Service Rules, if a degree was granted by the University recognized by the University Grants Commission, then such degrees cannot be invalidated by the State Authorities. Once a degree is approved by the University Grants Commission, such degrees are valid across the country and a particular State cannot invalidate such degrees or deny appointment to such candidates. In this regard, Rule 19 of the Tamil Nadu State and Subordinate Service Rules enumerates special qualifications. Explanation-(i) to Rule 19 reads as under:

"Explanation - (i) In cases where the Special Rules prescribed a degree or diploma as a qualification, then a degree or diploma granted by any of the Universities or Institutions recognized by the University Grants Commission for the purpose of its grant mentioned in Schedule II to this part shall be recognized as the qualification."

5. With reference to Schedule II, the name of Kuvempu University, B.R.Project, Shimoga District, Karnataka-577 115, is found in Serial No.79 of the Schedule II. Therefore, the University, in which the petitioner studied and acquired degree, is notified as a recognized University and therefore, appointment cannot be denied to the petitioner based on her selection to the post of P.G.Assistant (Chemistry).

6. The learned Additional Government Pleader appearing for the first respondent made a submission that during the relevant point of time, the case of the petitioner was not considered on account of the fact that she studied in Kuvempu University at Karnataka.



7. This Court is of the considered opinion that the very submission of the learned Additional Government Pleader deserves no merit consideration as the degree obtained by the petitioner is a valid degree from a recognized University by the University Grants Commission. Therefore, the petitioner is entitled for the relief sought for in this writ petition.

8. Accordingly, the writ petition is allowed and the respondents are directed to appoint the petitioner as P.G.Assistant (Chemistry) based on her selection, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

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/ /2022

Sub Assistant Registrar(CS)

krk

To:

1.The Secretary,
School Education Department,
State of Tamil Nadu,
Secretariat, Chennai.

2.The Chairman
Teachers Recruitment Board
4th floor, E.V.K.Sampath Maligai
College Road, Chennai-6

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-17426[F] dated 08/04/2022)

+1 CC to M/s.SPL.GP (SR-17170[F] dated 07/04/2022)

W.P. (MD) No.1382 of 2021

and

W.M.P. (MD) No.1183 of 2021

06.04.2022

MGJ(20.04.2022) 3P 5C