



W.P.(MD).No.2295 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.2295 of 2015

and

M.P(MD)No.1 of 2015

S.Manimekalai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Higher Education Department,
Chennai-600 009.

2.The Tamil Nadu Teachers Education University,
Represented by its Registrar,
Lady Willington College Campus,
Kamarajar Salai,
Chennai-600 005.

3.The Principal,
M.V.M.Chella Muthu Alagu Rathinam College of Education,
Angunagar,
Dindigul District-624 004.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the non-approval of the candidature of the petitioner for admission to B.Ed.,



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(Tamil) Course for the academic year 2014-15 with the third respondent college of Education as illegal and consequently to direct the second respondent to approve the petitioner's admission to B.Ed., Course and to permit the petitioner to complete the B.Ed. (Tamil) Course with the third respondent college of Education.

For Petitioner : M/s.T.Lajapathi Roy
For R-1 : Mr.V.Nirmal Kumar
Government Advocate
For R-2 : Mr.V.Venkatesan
For R-3 : Mr.M.Saravanan

ORDER

The present Writ Petition has been filed seeking a Writ of Declaration that non-approval of the candidature of the petitioner for B.Ed., (Tamil) course for the academic year 2014-2015 with the third respondent college is illegal and consequently direct the second respondent to approve the petitioner's admission to B.Ed., course and to permit the petitioner to complete his B.Ed., course in the third respondent institution.



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2. According to the petitioner, she was admitted to B.Ed., (Tamil) course of the third respondent college of Education on 23.06.2014 and she was also issued with a student identity card for the said academic year and the classes were commenced from 01.08.2014 onwards. However, at the end of the academic year, the second respondent herein issued a provisionally approved list of candidates for the academic year 2014-2015, in which the name of the petitioner had been left out. On enquiry, the petitioner came to know that she has not been qualified to get admitted to B.Ed., course, in view of the fact that she has not followed the required pattern of 10+2+3 method of study and hence, she was not provided with a register number. Based upon the said facts, the present writ petition has been filed seeking a writ of declaration.

3. The second respondent university has filed a counter contending that they had published G.O(1D)No.92, Higher Education (G1) Department, dated 21.05.2014, in which the eligibility for getting admitted in the B.Ed., course has been specifically mentioned. The said Government order has also been published and made available in the



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internet. The third respondent institution has provisionally admitted the writ petitioner and thereafter, the names were sent for approval to the second respondent university. Thereafter, the university has found that the petitioner after failing in the SSLC examination had directly appeared for B.Lit., Exam and she has passed the same in May 2009. Thereafter, the petitioner has passed SSLC examination in March 2011 and successfully completed the Higher Secondary Examination in the year in June 2013. Since the petitioner had not obtained the U.G. Degree by following 10+2+3 in the said sequence, her U.G. Degree was not valid and hence, she was not eligible to get admitted to the B.Ed., course. In view of the said ineligibility, the petitioner was not considered for admission for the examination.

4. The third respondent herein has filed their counter reiterating the said facts and contending that the petitioner has not followed 10+2+3 pattern in the said serial order and hence, she was not eligible to be admitted. Since the petitioner was only provisionally admitted subject to the approval of the second respondent university, the second respondent university had not approved her candidature for the



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final year examination.

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5. I have carefully considered the submissions made on either side.

6. The learned Counsel for the petitioner has strenuously contended that after relying upon the judgment of this Court, that even assuming her B.A., degree and B.Ed., degree may not be valid for the employment purposes, the petitioner may be permitted to pursue and complete her B.A., degree at least for academic purposes. The petitioner, on instructions, also submits that she would not claim any employment opportunity based upon the said B.Lit., degree or B.Ed., course. The learned Counsel for the petitioner also relied upon a judgment of the Hon'ble Supreme Court reported in **1986 Supp SCC 740** to contend that even assuming that a student has been admitted to a college without eligibility, he can be permitted to continue the course. The learned Counsel for the petitioner had also relied upon the Division Bench of our High Court in ***W.A.No.2168 of 2018, dated 10.12.2021, The Joint Director of School Education (Secondary), Chennai-6 and another Vs.***



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J. Joseph Irudayaraj and another to contend that the student who got admitted to a degree course without following 10+2 pattern could be permitted to pursue the said course and with a condition that the said degree cannot be used for employment purposes. The petitioner also contended that she is likely to get employed in a private concern.

7. I have carefully considered the said submissions.

8. The admission to the B.Ed., course for the academic year 2013-2014 is governed by the Government order in G.O(Ms)No.121, Higher Education Department, dated 04.07.2013. The admission to the B.Ed., course for the academic year 2014-2015 is governed in G.O(1D)No.92, dated 21.05.2014. As per the eligibility criteria fixed in both these Government orders, the candidate should have undergone 10+2+3(15) or 11+1+3(15) pattern of study and passed the qualifying examination conducted by the respective State Board or CBSE or any other recognized Board of Education / Examination and U.G. Degree examination of the UGC recognized universities in any one of the school subjects offered by the Directorate of School Education at the



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Secondary / Higher Secondary Education level. The said order specifically pointed out that candidates who have passed the U.G. or P.G. degree in Open University System without qualifying in 11 years SSLC and one year of Pre-University Course (P.U.C.) examination or 10+2 pattern of school education examination shall not be considered for admission.

9. In view of the above said regulations promulgated by the second respondent university for admitting the candidates for the academic year 2014-2015, the third respondent institution ought not to have admitted the petitioner to the institution. In the present case, after being admitted, the petitioner's application was referred to the second respondent university which had chosen to reject the application of the petitioner on the ground that she has not passed in the serial order of 10+2+3 pattern. In view of the statutory regulations and in view of the Government orders, I find that the request of the petitioner for a declaration that her admission is valid in the eye of law cannot be countenanced. The petitioner has been erroneously admitted to the B.Ed., course subject to the approval of the second respondent university which



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has later chosen to reject the said admission.

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10. The petitioner has made a request that she may be permitted to complete the course which may not be used for employment purposes. This is not a professional degree and hence, the question of following judgments of the Hon'ble Supreme Court and the Division Bench judgment could not arise in the present case. The third respondent institution is directed to return all the original certificates submitted by the petitioner at the time of her admission. In view of the above said facts, the writ petition is devoid of merits and the same stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
btr



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To

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Higher Education Department,
Chennai-600 009.
- 2.The Registrar,
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R.VIJAYAKUMAR, J.

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Order made in
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