



W.P.(MD)No.10723 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.10723 of 2017

and

W.M.P.(MD)Nos.8178 to 8180 of 2017

M.Musthafa

... Petitioner

vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2.The Chairman,
Teachers Recruitment Board,
Office of the Teachers Recruitment
Board Office,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.



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3.The Member Secretary,
Teachers Recruitment Board,
Office of the Teachers Recruitment
Board Office,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

4.The Director of School Education,
Office of the Directorate of School
Education Department,
DPI Compound, College Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the provisional list of candidates called for certificate verification (in respect of Tamil Nadu Teacher Eligibility Test – 2012, 2013 and special TNTET - 2014) published by the 2nd respondent in his proceedings Nil dated Nil) (published in the official website of the TRB on 31.05.2017) and to quash the same as illegal in so far as it relates to the non-inclusion of the petitioner's candidature is concerned and consequently, to direct the respondents to consider the petitioner for appointment to the post of B.T. Assistant (Tamil) in pursuant to the one time chance given for the purpose of verification of certificates in the light of the fact that the petitioner cleared Teacher Eligibility Test within the fact that the petitioner cleared Teacher



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Eligibility Test within the period that may be stipulated by this Court.

For Petitioner : M/s.J.Irfana Fathima
For M/s.Ajmal Associates
For R1 & 4 : Mr.C.Baskaran
Government Advocate
For R2 & 3 : Mr.V.R.Shanmuganathan

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the impugned provisional list of candidates published in the official website of the TRB on 31.05.2017 as illegal in so far as it relates to the non-inclusion of the petitioner's candidature and consequently, to direct the respondents to consider the petitioner for appointment to the post of B.T. Assistant (Tamil) in pursuant to the one time chance given for the purpose of verification of certificates in the light of the fact that the petitioner cleared Teacher Eligibility Test within the period.

2. The brief facts of the case are that the petitioner is 100% blind and is



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possessing the disability certificate issued by the competent authority. He is qualified B.Sc.(Maths), B.A.(Tamil) (one sitting). In the meanwhile acquired TET qualification with 88 marks in the year 2013. When the special TET examination was conducted for the physically challenged persons in the year 2014, the petitioner passed the same with 99 marks. Even though the petitioner pass in TET, he is considered as ineligible since he completed B.A.(Tamil) in one sitting. Hence the petitioner applied for B.A.(Tamil) 3 years course in Madurai Kamaraj University for January 2014 to December 2016 and the last examination was in November 2016 and he passed all the examinations. When the petitioner was awaiting results for B.A., (Tamil) degree, a news item was published in Dinamalar daily on 10.03.2016, wherein it was informed in respect of persons who cleared TET in earlier occasion were given one more chance for the certificate verification and they were directed to apply through online for change of certificate. The petitioner was also coming within the purview of the above candidates. Since the petitioner's result of B.A.(Tamil) regular course, was awaited at the point of time, the petitioner could not apply. But when the



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applications were called for, the petitioner had completed his examination. Since the last examination was held as early as November 2016, the petitioner appeared before the 3rd respondent in person and explained the position and requested to consider his claim.

3. In the meanwhile, the B.A., (Tamil) examination results were published in April 2017 and the petitioner has passed all the examinations and was issued with provisional certificate. The petitioner approached the second respondent in person on 19.05.2017, requesting to consider his claim along with other candidates, whom the TRB gave a chance for correction of certificates. The only ground for which the petitioner's candidature was not considered is that the petitioner's results were not published at the relevant point of time. Hence, the petitioner filed W.P.(MD)No.10039 of 2017, seeking for a direction to consider the petitioner for appointment for the post of B.T. Assistant (Tamil).

4. On instructions, the 2nd respondent submitted that the petitioner's



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candidature was not considered, since the petitioner is possessing B.A., (Tamil) one sitting degree. The respondents further submitted that the Board has issued notification for selection of B.T. (Assistant) in the vacancies from the eligible candidates who were unselected in the previous recruitments, i.e., 2012, 2013 and 2014. Since the petitioner had pursued B.A., (Tamil) one sitting degree, which is not a valid degree, the petitioner is not entitled for consideration to the post.

5. The 2nd respondent has filed counter affidavit stating that subsequently, the Government had issued G.O.Ms.No.149, School Education (TRB), dated 20.07.2018, wherein it is stated that the TET qualification is only a qualification for appointment to the post, a separate competitive examination for the TET qualified candidates will be conducted and successful candidates will be appointed from 2018 onwards. A separate policy decision has been taken by the Government. The petitioner's candidature cannot be considered at this relevant point of time. Hence, the second respondent prayed to dismiss the writ petition.



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6. Heard M/s.J.Irfana Fathima, learned Counsel appearing for the petitioner and Mr.C.Baskaran, learned Government Advocate appearing for the respondents 1 and 4 and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for respondents 2 and 3.

7. It is an admitted fact that the petitioner has completed B.A., (Tamil) in one sitting. One sitting was considered in several writ petitions wherein it has been stated that the same cannot be considered for appointment and promotion in the Government service. Since the persons who have completed the course in one sitting cannot be considered equivalent with the persons who have completed three years. Moreover, the petitioner was originally graduated as B.Sc., (Maths), subsequently, he has taken up B.A., (Tamil). For cross major also, the petitioner is not entitled to.

8. The further submission of the respondents is that from 2018 onwards, the



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Government has taken a policy decision under G.O.Ms.No.149, School Education (TRB), dated 20.07.2018, wherein TET is considered as qualifying examination for a person. If a person has qualified TET examination, the person will be permitted to attend subsequent competitive examination. Thereafter, the successful candidates will be considered for appointment. Therefore, the claim of the petitioner to consider B.A.,(Tamil) and grant appointment cannot be considered.

9. In the year 2016 the petitioner was possessing B.A.(Tamil) one sitting degree, hence the petitioner's candidature cannot be considered. Subsequently the petitioner pursued B.A.(Tamil) regular three years course, but had completed the examination in November 2016 and the results were published in April 2017, hence for the recruitment process conducted based on notification dated 10.03.2016, the petitioner has not completed the three years course and hence the petitioner is not eligible for consideration. Subsequently the respondents have



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changed the method of recruitment by issuing the G.O.Ms.No.149. Hence the petitioner ought to participate in the selection process based on G.O.Ms.No.149 and if he is successful then the petitioner would be issued with the appointment order. The petitioner is possessing B.Sc.(Maths) and B.A.(Tamil), which would come under the category of “cross major”. Therefore this Court is of the considered opinion that the petitioner’s prayer cannot be considered and hence the writ petition is liable to be dismissed. However the petitioner is at liberty to participate in the future recruitment process.

10. With the above said observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Internet : Yes

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai-9.
- 2.The Director of School Education,
Office of the Directorate of School
Education Department,
DPI Compound, College Road,
Chennai.



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S.SRIMATHY, J

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