



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 3240 of 2018

A.Kannan

... Petitioner

Versus

1.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication issued by the 1st respondent in NO.Nil dated 12.09.2017 and to quash the same and consequently directing the respondents to select and appoint the petitioner to the post of PG Assistant(History) based on the Notification/Advertisement No.03/2017 dated 09.05.2017 issued by the 1st respondent with all consequential and other attendant service benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.K.Sathish Kumar
Standing Counsel

**ORDER**

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This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus to quash the impugned order dated 12.09.2017 and and consequently directing the respondents to select and appoint the petitioner to the post of PG Assistant (History) based on the Notification/Advertisement No.03/2017 dated 09.05.2017 issued by the 1st respondent, with all consequential and other attendant service benefits.

2. The case of the petitioner is that the he has completed his B.A(History) in November 2004 from Madras University and subsequently, he joined his B.Ed degree course in June 2007 and completed the same in April 2008. Thereafter, the petitioner has joined M.A degree course in Distance Education on 29.05.2008 and he completed his degree only much later in the year 2015. The petitioner applied for the post of PG Assistant under direct recruitment in terms of notification issued by the Teachers Recruitment Board on 09.05.2017. However, despite being provisionally selected, the impugned order came to be passed on the ground that the petitioner had pursued two degrees simultaneously. It is the specific case of the petitioner that the said claim of the 1st respondent is factually incorrect



and he did not pursue two degrees simultaneously as contended or found in the impugned order. In response to the said application, the 1st respondent has filed a counter stating that the petitioner was found to be ineligible on the ground that he acquired two degrees i.e M.A(History) and B.Ed degree simultaneously, in the same year. This is the only ground which is put against the petitioner to deny him the post.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the materials available on records.

4. It is seen from the documents filed by the petitioner along with the typed set that :-

(1) The petitioner completed his B.A.degree in History in November 2004.

(2) The petitioner completed his B.Ed degree in April 2008 with first class.

(3) He applied for M.A. Historical studies on 29.05.2008 and completed the same in June 2015.



(4) It is also seen that after completing his B.Ed degree course, the petitioner was also issued a Transfer Certificate by the Professor of S.A College of Education (Affiliated to University of Madras) on 05.05.2008.

(5) The petitioner is also able to establish that his application for M.A.(History) was only pursuant to the said TC having been issued on 05.05.2008.

(6) The PG Course provisional admission intimation issued to the petitioner is dated 29.05.2008 and the petitioner has remitted the registration fee only on 29.05.2008.

(7) The certificate issued by the University of Madras also establishes the fact that the petitioner completed his M.A(History) only in June 2015.

(8) The genuineness of the certificates are not doubted or disputed by the respondents, either in the impugned order or in the counter affidavit filed before this Court.

5. Thus, the claim of the respondent that the petitioner acquired two degrees i.e M.A (History) and B.Ed simultaneously in the same year is totally incorrect and contrary to the records.



6. This Court is satisfied with the reasons assigned by the petitioner in the petition, especially in the light of the fact that the genuineness of the certificates is not challenged by the respondents before this Court. Thus, the petitioner is entitled to relief. Accordingly, the writ petition is allowed.

7. It is brought to the notice of this Court that at the time of passing an interim order, the respondents were directed to keep one post vacant. Now, that the petitioner has succeeded, the respondent shall take necessary steps to appoint the petitioner to the said post and shall carry out this exercise within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of.

30.06.2023

Index: Yes/ No
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P.B.BALAJI, J.,

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To

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