



WEB COPY



W.P.No.4727 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.4727 of 2020
and
W.M.P.No.5583 of 2020

K.Gajalakshmi
W/o.D.Sasikumar
619/2, Kalki Nagar
Kanchi Road
Thiruvannamalai Town and District

... Petitioner

/Vs/

1.State of Tamil Nadu
Rep. by its Principal Secretary to Government
High Education Department
Fort St. George, Secretariat, Chennai 600 009

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

3.The Chief Educational Officer
Thiruvannamalai District
Thiruvannamalai

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to issue appointment/posting order in favour of the Petitioner to the post of P.G.Assistant (Tamil) in Government Higher Secondary School, Renugondapuram, Thiruvannamalai District, based on the selection to the post of P.G.Assistant (Tamil) as per the Provisional Selection List dated 02.01.2020 and based on the counselling for placement/postings conducted on 09.02.2020 issued by the third Respondent vide proceedings in Na.Ka.No.1467/A3/2019 dated 06.02.2020 forthwith, with all consequential and attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the Respondents to issue appointment/posting order in favour of the Petitioner to the post of P.G.Assistant (Tamil) in Government Higher



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Secondary School, Renugondapuram, Thiruvannamalai District, based on the selection to the post of P.G.Assistant (Tamil) as per the Provisional Selection List dated 02.01.2020 and based on the counselling for placement/postings conducted on 09.02.2020 issued by the third Respondent vide proceedings in Na.Ka.No.1467/A3/2019 dated 06.02.2020 forthwith, with all consequential and attendant benefits.

2.The Petitioner who is said to have been selected for the post of PG Assistant could not join duty, because it is found that he had completed both B.Ed., and M.A., degree in one and the same time.

3.The learned Special Government Pleader submitted that the Petitioner is not supposed to do two degrees at the same time and it is not accepted for Government appointment.

4.Heard the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondent.



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5.The learned counsel for the Petitioner attracted attention of this Court to the Division Bench judgment of this Court made in W.P.No.1098 of 2012, wherein it is held as under:

“7.As adverted to earlier, the specific relief sought in the Writ Petition is to recognize the degrees, viz., B.A., and B.Ed., obtained by the Petitioner simultaneously from Periyar University as well as Annamalai University. Of course, it is true that B.A.Degree has been obtained by the Petitioner/Respondent through correspondence course in Annamalai University.

8.In fact, this Court has perused the reply given by the Madras University, wherein it has been simply stated that so far two degrees obtained in the same year have not been recognized. In fact, the Madras University has not specifically stated any Rule, which prohibits recognition”

Even the counter affidavit of the third Respondent also does not specify which rules prohibits the approval of obtaining two degrees by the candidate in one and the same time.

6.However, learned Special Government Pleader for the Respondents submitted that as per G.O.Ms.No.361, School Education



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Department dated 31.12.1999, candidates who obtained any of the required qualification, simultaneously are not eligible to apply for the recruitment.

7.Learned counsel for the Petitioner submitted that after the Petitioner had joined MA. in distance education mode in the year 2006 [academic year 2006-2008] and he completed B.Ed., on regular basis in April 2008.

8.Since the Petitioner studied B.Ed. Degree in regular mode and had joined M.A. Degree in distance education mode, it seems that she completed both the courses in one and the same time. The Petitioner had joined M.A., Degree in the year 2006 and cleared first year M.A. during May 2007 and then she took break in the next year and finished her B.Ed., in the next year. B.Ed., certificate would show that her B.Ed., Degree examination was held during April 2008. However, second year M.A. certificate shows that during December 2008, she had completed M.A. Degree. Since the Petitioner had joined in distance education mode and thereafter she joined B.Ed., in regular mode, there was a contradiction and



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the records would show that M.A. Degree was secured by the Petitioner after she had secured the B.Ed., Degree. The impugned order has been given without verifying the facts correctly.

10. Accordingly, this Writ Petition is disposed with the direction to the Respondents to issue appointment/posting order in favour of the Petitioner to the post of P.G.Assistant (Tamil), based on the selection to the post of P.G.Assistant (Tamil) as per the Provisional Selection List dated 02.01.2020 and based on the counselling for placement/postings conducted on 09.02.2020 issued by the third Respondent vide proceedings in Na.Ka.No.1467/A3/2019 dated 06.02.2020, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

09.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Deputy Director
Employment Office
Guindy, Chennai 32

2.The Assistant Director
Vellore Employment
Abdulapuram
Vellore 10

3.The Commissioner
Employment and Training
Divisional Office
Guindy, Chennai 32



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R.N.MANJULA, J.

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