



W.P.No.4202 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 09.02.2023

Orders delivered on 02.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P.No.4202 of 2014

and

M.P.No.1 of 2014

S.Raj Thilak

..Petitioner

Vs

1. The Member Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, E.Ve.Ki.Sampath Malagai,  
DPI College Road,  
Chennai – 600 006.

2. The Periyar University,  
Salem – 636 011.

..Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution to issue a Writ of Mandamus to direct the 1<sup>st</sup> respondent herein to appoint the petitioner as B.T. Assistant in Maths in any of the schools and fix the seniority over and above the immediate junior as per the state seniority list



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within an appropriate time.

For Petitioner : Mr.V.Ravikumr  
For Respondents : Mr.CKathiravan  
Standing Counsel for R1  
R2-No appearance

### **ORDER**

This Writ Petition has been filed to direct the 1<sup>st</sup> respondent herein to appoint the petitioner as B.T. Assistant in Maths in any of the schools and fix the seniority over and above the immediate junior as per the State seniority list within an appropriate time.

2. The brief facts of the case of the petitioner are as follows:

i) The petitioner belongs to Schedule Tribe community and the petitioner parents are agriculturists. He is a graduate in B.Sc. (Mathematics with Computer Applications) in AVS College of Arts and Science at Salem affiliated to Periyar University, Salem, in 2008. Pursuant to the completion of B.Sc., in the year 2008, the Tamilnadu Teachers Education University and the 2<sup>nd</sup> respondent permitted to do B.Ed., on considering the equivalent



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status along with B.Sc., Mathematics. The 1st respondent also recruited persons who completed B.Sc.(Mathematics with Computer Applications) course for the post of B.T.Assistant (Mathematics) and as such, the respondent herein considered the name of the petitioner in the State seniority by the Employment Exchange under the category of Schedule Tribes and recommended the name of the petitioner to the 2<sup>nd</sup> respondent for appointment to the post of B.T.Assistant.

ii) Subsequently, the 2<sup>nd</sup> respondent conducted certificate verification for the qualified candidates in Teachers Recruitment Board (TRB) for selection and appointment to the post of B.T.Assistant. The petitioner was called for the same on 15.11.2010. However, the respondents have not appointed the petitioner. On verification, the petitioner came to understand that the 1<sup>st</sup> respondent did not recruit the candidates who have completed B.Sc., Mathematics with Computer Applications and withheld their appointment temporarily and to that effect, in the internet, they have published the tentative lists and the petitioner's status is kept as "withheld" in remarks column, showing Maths with Computer Applications.



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iii) Subsequently, the petitioner approached the 2<sup>nd</sup> respondent, but he was not provided with proper reply. On enquiry, the petitioner came to know that the degree awarded by Periyar University B.Sc., Mathematics-Computer Application is stated to be not equivalent to B.Sc., Mathematics and accordingly, his selection to the post of B.T.Assistant is not considered. It is not known as to how the 2<sup>nd</sup> respondent issued communication through its official website on 28.08.2011 that the result of the petitioner was withheld based on the remarks that the petitioner is possessing B.Sc., Mathematics (Computer Applications) which is not equivalent to B.Sc.,Mathematics.

iv) The petitioner approached the respondents on several occasions, but all his efforts went in vain. Therefore, the petitioner sent representation to the Chief Minister Special Cell Tamilnadu on 17.08.2012 through online and the same was replied on 07.09.2012 as follows:

*Rejected – TRB has not received any G.O. regarding the petitioner educational qualification of Maths-C.A.(Computer Application), not equivalent to Maths. Hence, he was not considered for selection vide TRB Rc.No.018/B2/2012*



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dt.07.09.2012.

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v) Subsequently, the State Government has issued orders in G.O.Ms.No.72 Higher Education Department dated 30.04.2013, in which, it is found that Equivalent Committee constituted by Tamil Nadu Public Service Commission, on due verification, passed resolutions declaring B.Sc., Mathematics (Computer Applications) is equivalent to B.Sc., Mathematics and accordingly, orders have been passed by the State Government. Therefore, some of the candidates who were similarly placed like that of the petitioner approached this Court by filing W.P.Nos.7351 of 2012 etc. batch to appoint them as B.T. Assistant and this Court allowed the said writ petitions. Based on the said order, the petitioner approached the 1<sup>st</sup> respondent but he was not considered. Hence, this writ petition with the aforesaid relief.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 1<sup>st</sup> respondent.



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4. i) Learned counsel for the petitioner would submit that B.Sc. Mathematics (Computer Application) is equivalent to B.Sc. Mathematics and therefore, the respondent cannot withhold his candidature for appointment as B.T.Assistant. The petitioner was issued with call letter for Certificate Verification for selection and appointment to the post of B.T.Assistant in Mathematics scheduled on 15.11.2010. Pursuant to that, the 1st respondent recruited persons as B.T. Assistants who have completed B.Sc. (Mathematics with Computer Application) in the year 2010 itself, however, they have not appointed the petitioner.

ii) Learned counsel would further submit that the degree obtained by the petitioner is acquired from the State Government University and it is all the more equivalent to B.Sc., Mathematics. Since the degree being awarded with nomenclature as B.Sc., Mathematics (Computer Applications), there are additional papers being studied, apart from regular course of study for B.Sc., Mathematics. That apart, Periyar University has also declared B.Sc., Mathematics (Computer Applications) as equivalent to B.Sc., Mathematics for all practical purposes including public employment. Hence, he would



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pray to allow this writ petition.

5. On the contrary, the learned standing counsel appearing for the Teachers Recruitment Board would submit that the degree awarded to the petitioner by Periyar University viz., B.Sc., Mathematics-Computer Application is stated to be not equivalent to B.Sc., Mathematics. Further, the petitioner is required to pass the Teachers Eligibility Test, but the petitioner has not passed the Teachers Eligibility Test prior to the notification issued by the National Council for Teachers Education dated 23.08.2010. Hence, his appointment has been withheld.

6. This Court considered the rival submissions made and perused the materials available on record.

7. It is not in dispute that the petitioner completed B.Sc., Mathematics (Computer Application) Course in AVS College of Arts and Science at Salem affiliated to Periyar University, Salem in the year 2008 and his name



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was recommended by the Employment Exchange under the category of Schedule Tribes to the 2nd respondent to the post of B.T.Assistant. The 2nd respondent called the petitioner for certificate verification scheduled to be conducted on 15.11.2010 for selection and appointment to the post of B.T.Assistant in Mathematics. The petitioner came to know that his result was withheld on the ground that B.Sc., Mathematics (Computer Application) degree obtained by the petitioner is not equivalent to B.Sc., Mathematics.

8. It is seen that Government Order was issued in G.O.Ms.No.72, dated 30.04.2013, in which, in Resolution No.2 in Serial No.23, it is mentioned that B.Sc. Mathematics (Computer Application) is equivalent to B.Sc. Mathematics and there is no reference to any particular University also. Therefore, as per G.O.Ms.No.72, dated 30.04.2013, if a candidate studied B.Sc., Mathematics (Computer Application) in any University then, it is equivalent to B.Sc., Mathematics and therefore, the petitioner cannot be denied employment for the post of B.T. Assistant stating that B.Sc.,



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Mathematics (Computer Application) is not equivalent to B.Sc.,  
Mathematics.

9. Further, insofar as the contention of the learned counsel for the 1st respondent that the petitioner has not passed the Teachers Eligibility Test prior to the notification issued by the National Council for Teachers Education dated 23.08.2010 is concerned, the same has been clarified by notification dated 28.05.2012 issued by Teachers Recruitment Board in which, paragraph II reads as follows:

*II. Representations have been received with regard to lack of clarity on "candidates not required to write Teacher Eligibility Test". The following candidates are not required to write Teacher Eligibility Test.*

*a. All appointments made prior to the date of Notification issued by the National Council for Teacher Education (NCTE) i.e. 23.8.2010.*

*b. Appointments made based on the advertisement issued before 23.8.2010 and appointment order issued after 23.8.2010.*

*c. Appointments made based on the Certificate*



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*Verification (CV) conducted before 23.8.2010 and appointment orders issued after 23.8.2010.*

11. From the above, it is clear that at the relevant point of time, the petitioner who was called for certification verification, for selection and appointment to the post of B.T.Assistant, need not require to possess Teachers Eligibility Test. Further, the reason for withholding the result of the petitioner is also not so, as seen from the communication through official website on 28.08.2001, in which, it is stated that the petitioner's result was withheld based on the remarks that he is possessing B.Sc. Mathematics (Computer Application) which is not equivalent to B.Sc., Maths and even in the reply from the Hon'ble Chief Minister Special Cell Tamilnadu dated 17.08.2012 through online, the same reason has been stated.

12. For all the reasons stated above, this Court is inclined to allow the writ petition. The respondents are directed to acknowledge the application of the petitioner holding that B.Sc., Mathematics (Computer Application) is



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equivalent to B.Sc., Mathematics and pass orders, if the petitioner is otherwise qualified for the post of B.T.Assistant, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.03.2023

Index :Yes/No  
Speaking/Non-speaking order  
vsi

To

1. The Member Secretary,  
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