



WEB COPY



W.P.No.17801 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.17801 of 2014
and M.P.Nos.1 and 2 of 2014

Mrs.JVH.Lidhya

.... Petitioner

-Vs-

- 1.The Secretary
School Education Department
Secretariat, Fort St.George
Chennai – 600 009.
- 2.The Chairman
Teachers Recruitment Board
College Road, Chennai – 600 006.
3. Director of School Education
College Road, Chennai – 600 006.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to that portion of NOT ELIGIBLE for selection of the petitioner as Post Graduates Teacher in English in the Examination with Roll No.12PG02300313 conducted for the Direct Recruitment of Post Graduate Assistants for the year 2011-2012 and quashing the same and directing the 2nd respondent to select and 3rd respondent to appoint the petitioner as a Post-Graduate Assistant in English under 3rd respondent with all attendant benefits.



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For Petitioner : Mr.C.Johnson
For Respondents : Mr.U.M.Ravichandran
-for RR 1 and 2
Mr.K.Sathish Kumar – for R2

ORDER

This is a case of reverse degree.

2. The petitioner who belongs to B.C. Community had completed her SSLC in the year 1993, her +2 in the year 1995. She underwent B.Sc (Microbiology) course in the year 1998. All these studies were regular course of studies ie., she attended the institution and obtained the degrees.

3. In 2002, the petitioner passed M.A.(English) and thereafter obtained a one year B.A., degree in English Literature from Annamalai University. The last of the degrees is not a regular correspondence course of three years, but only a one year degree course. She completed B.Ed with first class from Bharathiar University in the year 2006. She applied to the post of P.G.Assistant called for by the 2nd respondent in and by notification dated 28.02.2012. She also cleared the Teacher Eligibility Test (TET).

4. Mr.Johnson, learned counsel for the petitioner represents that the petitioner has obtained high score in TET and stood second in the district having



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obtained 114 marks. He would argue that all the degrees are recognized degrees and she has been arbitrarily not selected by the 2nd respondent. He would say that the UGC Act and the Open Universities Act are legislations passed by the Parliament which are applicable across the nation and therefore degree obtained from any of the Universities which offer correspondence course and are recognized should be given priority.

5. I will meet the last argument first. No doubt, the UGC and the Open Universities Act are legislations passed by the Parliament and apply across the nation. However, it is for the employer to decide the qualification that he wants in his employee. The UGC Act and the Open Universities Act prescribe the manner in which the degree that has to be obtained and whether a degree is recognized or not. The mere fact that a recognized degree has been obtained does not mean an employer must treat it as valid and accept the same for employment.

6. In this particular case, Teachers Recruitment Board (TRB) has mentioned that a candidate must possess bachelors degree and masters degree both for academic subjects and languages in the same subject. The petitioner does not satisfy this requirement. The petitioner had completed B.Sc in Microbiology and M.A., in English Literature. Both are different subjects and



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therefore it does not satisfy the requirement of G.O.Ms.No.361. The prospectus issued by the TRB is statutory in flavour and the petitioner has not challenged the same. Having undergone the TET on the basis of the aforesaid qualifications, the petitioner cannot plead that she satisfies the requirement of the UGC Act and therefore, even though she does not qualify as per G.O.Ms.No.361 dated 31.12.1999, she is entitled for a certiorarified mandamus.

7. Apart from that, the TRB insists on undergoing the course in the pattern of 10+2+3+2, that is to say, after completing school in 10+2 pattern, a person who wants to be appointed as a teacher through TRB has to undergo three years regular course in the degree and two years regular course in masters. The petitioner, as pointed out above, had completed B.Sc (Microbiology) and M.A.(English Literature). Therefore we have already found that she has not satisfied the requirements. Apart from that, the B.A., degree which she obtained was in reverse order. She obtained the masters first and did her bachelors later. Such a course of study is not acceptable to the TRB or as per the statutory rules framed under Article 309 of the Constitution of India. I have to further add that the B.A.(English Literature) course which was undergone by the petitioner is only for a period of one year and therefore even that does not satisfy the 10+2+3+2 requirement.



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8. Therefore, the writ petition has to fail and it is dismissed. I have to add that though the petitioner is ineligible for the purpose of being appointed as a teacher, her degree is not invalid as the same complies with the requirements of the UGC Act.

9. With the above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

12.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

- 1.The Secretary
School Education Department
Secretariat, Fort St.George
Chennai – 600 009.
- 2.The Chairman
Teachers Recruitment Board
College Road, Chennai – 600 006.
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V. LAKSHMINARAYANAN, J.

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