



W.P.No.20845 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20845 of 2017

Kavitha M.P.

... Petitioner

Vs.

1.The Director,
School Education Department,
DPI Campus,
College road,
Nungambakkam,
Chennai – 600 006.

2.Teachers Recruitment Board,
rep.by its Member Secretary,
DPI Campus,
College road,
Nungambakkam,
Chennai – 600 006.

... Respondents



W.P.No.20845 of 2017

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned non selection order in website Teacher Recruitment Board, Ref.NIL, dated 30.06.2017, of the petitioner for the post of Graduate Assistant (History) and quash the same and consequently, direct the respondents to appoint the petitioner as Graduate Assistant (History) forthwith.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.L.S.M.Hasan Fizal.
Additional Government Pleader
for R1

Mr.R.Neelakandan,
Additional Advocate General
assisted by
Mr.R.Siddarth
Government Advocate for R2

ORDER

This Writ Petition has been filed to quash the impugned non selection order in website Teacher Recruitment Board, Ref.NIL, dated 30.06.2017, of the petitioner for the post of Graduate Assistant (History) and consequently, direct the respondents to appoint the petitioner as Graduate Assistant (History) forthwith.



W.P.No.20845 of 2017

WEB COPY

2.The learned counsel appearing for the petitioner would submit that the petitioner has completed 10th Standard in the month of April 1992 and 12th Standard in the month of March 1994. Further, she completed her B.Sc., (Industrial Electronics) in 1998 and B.A. (English) Literature in 2008 – 2010 and simultaneously, studied B.Ed., in 2009 and also B.A.History in 2013 -2016. The petitioner successfully completed TET in 2013 and got 61.33% marks. Therefore, the petitioner has applied for Graduate Assistant (History). She was provisionally selected by the 2nd respondent on 31.05.2017. On 30.06.2017, the final selection list was published by the 2nd respondent for the said post and the petitioner was not selected and her rejection order was issued by the 2nd respondent with remarks stating that she simultaneously studied B.A. English Literature and B.Ed., in the same academic year. Hence, this Writ Petition.

3.The learned Additional Advocate General appearing for the respondents would submit that the Board issued Notification No.3 of 2013 dated 22.05.2013 for the appointment to the post of Graduate Assistant for



W.P.No.20845 of 2017

WEB COPY

the year 2014 based on the eligible candidates of TNTET 2012 2013 and Special TET 2014 Paper II. Further, the Board released a Press news dated 31.05.2017, in its website by publishing a provisional list of candidates called for certification verification in the ratio 1:1 with subject wise vacancies and conducted certificate verification on 10.06.2017 and provisional selection list published on 30.06.2017. The petitioner's name was not included in the selection list as she pursued both B.A. English Literature and B.Ed., Degree simultaneously in the same academic year. Further, she studied B.A. History in 2013-2016 and the same was registered before the 2nd respondent as an additional Degree as per the guidelines of the 2nd respondent. Further, she applied for TNTET Paper – I for the year 2013 and called for certificate verification for the post of Graduate Assistant in 2014 based on TET marks. The educational qualification possessed by her while writing TET whereas 10th Standard in the month of April 1992 and 12th Standard in the month of March 1994. Further, she completed her B.Sc., (Industrial Electronics) in 1998 and B.A. (English) Literature in 2008 – 2010 and simultaneously, studied B.Ed., in 2009 and also B.A.History in



W.P.No.20845 of 2017

2013 -2016. It is pertinent to point out that Clause 3 (a) and (b) of the Notification/Advertisement dated 22.05.2013 prescribed the educational qualifications to write TET. The relevant portion from the notification is extracted hereunder:

"Eligibility to write TET: Candidates should possess the following prescribed qualifications to write the Teacher Eligibility Test: Candidates who have passed Higher Secondary Course (10+2 Pattern) and Diploma in Teacher Education in a Recognized Teacher Training Institute / DIET and seeking an appointment as Teacher for classes I to V (except Visually impaired Candidates) can write Paper 1.

- Candidates who have passed a Bachelor's Degree (BA/B.Sc/B.Litt) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography or a Degree with any one of the equivalent subjects from a Recognized University under 10+2+3 Pattern and a Degree in Teacher Education (B.Ed.,) from a Recognized University and seeking an appointment as Teacher for classes VI to VIII can write Paper II.



W.P.No.20845 of 2017

WEB COPY

• Candidates appearing for the final year examination of D.T.Ed /B.Ed. during the current Academic year are also eligible to appear for the Teacher Eligibility Test."

4.Further, the petitioner has completed 10th Standard in the month of April 1992 and 12th Standard in the month of March 1994. Further, she completed her B.Sc., (Industrial Electronics) in 1998 and B.A. (English) Literature in 2008 – 2010 and simultaneously, studied B.Ed., in 2009 and also B.A.History in 2013 -2016 which was not a proper pattern of 10 + 2 + 3. Since the petitioner was ineligible for non possessing requisite educational qualification as per the Notification No.3/2013 dated 22.05.2013 for TET. She was not considered for selection.

5.Heard the learned counsel appearing on either side and perused the papers.

6.On a perusal of the documents, it is seen that the Board issued



W.P.No.20845 of 2017

WEB COPY

Notification No.3 of 2013 dated 22.05.2013 for the appointment to the post of Graduate Assistant for the year 2014 based on the eligible candidates of TNTET 2012 - 2013 and Special TET 2014 Paper II. Thereafter, the respondents published a provisional list of candidates and called for certificate verification in the ratio 1:1 with subject wise vacancies and the provisional selection list was published on 30.06.2017. The petitioner's name was not included in the selection list as she simultaneously studied B.A. English Literature and B.Ed., in the same academic year.

7.Further, the Board in the preamble dated 10.03.2017 provided the instructions for candidates in which column to update the details. It explicitly stated that both the eligible and Ineligible candidates cannot modify the First 9 and only the absentees can fill the Point No.7 viz., Subject studied in U.G. Degree and mark the said detail in Column No.14. The list of information that cannot be modified (Point No.1 to 9) by eligible and ineligible candidates are stated hereunder:

1. Name of the Candidate



W.P.No.20845 of 2017

2. Gender
3. Roll No.
4. TET Marks
5. Optional Subject
6. Community
7. Subject Studied in U.G. Degree
8. Language opted in TNTET Paper-II
9. Person Studied UG Degree & B.Ed. in Tamil Medium.

Further the Board strictly denoted that the candidates can update only their entries from Point Nos. 10 to 14. were as follows:

10. Date of Birth
- 11a. Have you acquired any additional UG Degree?
- 11b. Have you studied additional UG Degree & B.Ed in Tamil Medium?
12. PH (O) / VI (V) Reservation / N.A (Not Applicable)
- 13a. Whether studied B.Ed., as Special Education?
14. Mark Details

8. Further, the petitioner simultaneously studied B.A. (English Literature) and B.Ed., in the same academic year and further, the petitioner her B.A. History in the year 2013 – 2016. The petitioner was ineligible as per the prescribed qualification for the TET Paper -II on possessing B.A.



W.P.No.20845 of 2017

(English Literature) and B.Ed., in the same academic year and acquired B.A.

History in 2016, after the submission of the application, on 22.05.2013.

Therefore, the petitioner applied to the post of Graduate Teacher (Social Science – History) after submission of the application in the said post.

Therefore, the petitioner is ineligible to the said post as per the rules in existence.

Accordingly, this Writ Petition is dismissed. No costs.

17.11.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Director,
School Education Department,
DPI Campus,
College road,
Nungambakkam,
Chennai – 600 006.

V.BHAVANI SUBBAROYAN, J.



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W.P.No.20845 of 2017

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2.The Member Secretary,
Teachers Recruitment Board,
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W.P.No.20845 of 2017

17.11.2023
(2/2)