



W.P.No.1092 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1092 of 2017
and
W.M.P.Nos.9484 and 1062 of 2017

P.Vasantham

... Petitioner

Vs.

1.The State of Tamil Nadu
rep.by its Principal Secretary to Government,
School Education department,
Secretariat,
Fort St. George,
Chennai – 600 006.

2.The Director of School Education,
Directorate of School Education,
DPI Compound,
College Road,
Chennai – 600 006.



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3.The Joint Director of School Education, (Higher Education),
DPI Campus,
College Road,
Chennai – 600 006.

4.The Member Secretary,
Teachers Recruitment Board,
4th Floor,\E.V.K.Sampath Maligai,
DPI Compound, College Road,
Chennai – 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent with regard to orders passed in Na.Ka.No.4411/LC/2015 dated 29.12.2016 and quash the same and permit the petitioner to continue in service in the post of Post graduate Assistant in English in Government Higher Secondary Schools under the respondents, by accepting the educations qualifications B.A., (English), B.Ed., and M.A., (English), in terms of the clarification issued by the 1st respondent in the letter dated 22.09.2015.

For Petitioner : Mr.G.Sankaran,
Senior Counsel
for Mr.V.S.Jagadeesan

For Respondents : Dr.T.Seenivasan.
Special Government Pleader
for R1 and R2



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Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.R.Siddarath
Government Advocate (TRB)
for R4

ORDER

This Writ Petition has been filed to quash order of the 4th respondent dated 29.12.2016 and permit the petitioner to continue in service in the post of Post Graduate Assistant in English in Government Higher Secondary Schools under the respondents, by accepting the educations qualifications B.A., (English), B.Ed., and M.A., (English) in terms of the clarification issued by the 1st respondent in the letter dated 22.09.2015.

2.The learned counsel for the petitioner would submit that the petitioner applied for the post of Post Graduate Assistant in English in the Government High Schools for the year 2010-2011 and got selected. After certificate verification, she was posted in the Government Higher Secondary School, Ariyalur and she also joined the service. Subsequently, her selection



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was cancelled by the Teachers Recruitment Board by an order dated 29.12.2016 on the ground that she has done two courses simultaneously. The petitioner has completed B.A. English in April 2009 and after that she joined M.A. (English) in the Annamalai University under Distance Education Mode in June 2009. The petitioner without pursuing the said course, joined B.Ed., as a regular candidate in July 2009 and completed the same in May 2010. After completing her B.Ed degree, she took up M.A. (English) 1st and 2nd year examinations and passed the said exams only in December 2011. Hence, she has not done two courses at the same time. The Government letter also approves the same which they have followed for the appointment made during the year 2013-2014 and 2014-2015, whereas the petitioner was appointed for the year 2010-2011.

3.The learned counsel for the petitioner would further submit that in similar circumstances, the Division Bench of this Court passed orders in W.A.No.1602 of 2022, wherein, the first respondent did not acquire post



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graduate degree and B.Ed degree, simultaneously, in the same academic year, The petitioner is also a similarly situated person.

4.The learned Additonal Advocate General appearing for the respondents would submit that the educational qualifications of the petitioner do not meet the prescribed criteria for the post of Post Graduate Assistant in English. According to him, the petitioner had concurrently acquired two degrees, through Distance Education and regular in the same academic year which cannot be considered as a valid qualification.

5.Heard the learned counsel appearing on either side and perused the materials available on record .

6.On a perusal of the records, it is seen that the petitioner has completed B.A. English in April 2009. Thereafter, she has joined M.A. English in the Annamalai University under Distance Education Mode in



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June 2009. The petitioner without pursuing the said course, joined B.Ed., as a regular candidate in July 2009 and completed the same in May 2010. After completing her B.Ed degree, only in December 2011, she took up M.A.(English) 1st and 2nd year examinations and passed the said exams only in December 2011. Hence, she has not done two courses simultaneously.

7.At this juncture, it may be useful to refer to the decision cited by the learned counsel for the petitioner in W.A.No.1602 of 2022, wherein, the first respondent did not acquire post graduate degree and B.Ed degree, simultaneously, in the same academic year, The Apex Court in A. Dharmaraj v. Chief Educational Officer, Pudukottai & Ors. [(2022) 11 SCC 692], wherein, the appellant pursued B.A. (English) under distance education during January 2012 to December 2014 and successfully completed the same. When he was undergoing his study in B.A.(English), the appellant pursued M.A.(Tamil), which was a two year distance education course between the Academic Years 2013-14 and 2014-15. He



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appeared in the examination for M.A. (Tamil) in May 2014 and May 2015 and successfully completed the same. The promotion of the appellant to the post of B.T. Assistant (English) was challenged on the ground that by obtaining two degrees simultaneously, the appellant has rendered himself ineligible for the post in question, by virtue of Rule 14 which provides that "the teachers who have obtained B.A./B.Sc and B.Ed., during the same academic year shall not be eligible for recommendation". The promotion of the appellant was set aside by the High Court. However, the Apex Court set aside the order of the High Court and categorically observed that the appellant did not concurrently pursue both the degrees in the same academic year and hence, it does not amount to pursuing two degrees simultaneously. The relevant portion of the said decision is extracted hereunder for ready reference:

"5. Having heard the learned counsel appearing on behalf of the respective parties and on perusal of the judgment and order passed by the learned Single Judge as well as the Division Bench, it appears that the promotion of the Appellant to the post of B.T. Assistant (English) has been set



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aside by the High Court on the ground that the appellant obtained two degrees namely B.A. (English) and M.A. (Tamil) simultaneously and therefore as per Rule 14 he was ineligible for promotion. However, considering Rule 14, it can be seen that the bar was against teachers who have obtained B.A./B.Sc./B.Ed degree simultaneously during the same academic year. In the present case it cannot be said that the appellant obtained the degree of B.A. (English) and M.A. (Tamil) during the same academic year. The appellant pursued his B.A. (English) during January, 2012 to December, 2014. He pursued his M.A. (Tamil) which was a two years distance education course between the academic years 2013- 2014 and 2014-2015.

Therefore, as such Rule 14 is not applicable to the facts of the case on hand stricto sensu.

Applying the aforesaid legal proposition to the facts of the present case, wherein, the first respondent did not acquire post graduate degree and B.Ed degree, simultaneously, in the same academic year, and that, the appellant / Board has not produced any substantive material to prove that the certificates produced by the first respondent are not genuine, this Court does not find any ground much less valid ground to allow this writ petition.”



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This identical issue has been considered in favour of the teachers.

The case of petitioner is also similar in nature. Accordingly, this Writ Petition is allowed. The impugned order of the 4th respondent dated 29.12.2016 is set aside. Consequently, connected Miscellaneous Petitions are closed.

23.11.2023

Index :Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No
mps

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education department,
Secretariat,
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