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W.P.No.11930 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.08.2023

Coram:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.11930 of 2017
and WMP No.12828 of 2017

J.Lawrence

... Petitioner

Vs.

- 1.State of Tamil Nadu
rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Teachers' Recruitment Board,
rep. by its Member-Secretary,
EVK Sampath Building, College Road,
Chennai – 600 006.
- 3.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 4.The Chief Education Officer,
Cuddalore District,
Cuddalore – 607 001.

.... Respondents

Prayer: PETITION filed under Article 226 of the Constitution of India
praying for the issuance of Writ of Certiorarified Mandamus to call for the
records of the proceedings of the second respondent made in



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O.M.No.2426/ஆ2/2016 dated 22.12.2016 and quash the same with consequential direction directing the respondents to appoint the petitioner as B.T. Assistant in Government schools on par with the other students selected and appointed in the year 2012 and grant all other benefits.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.T.K.Saravanan
Government Advocate – R1, R3 and R4
Mr.R.Siddharth
Government Advocate – R2

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records of the proceedings of the second respondent, particularly, the Member-Secretary, Teachers Recruitment Board in O.M.No.2426/ஆ2/2016 dated 22.12.2016 and quash the same and direct the respondents to appoint the petitioner as B.T. Assistant in Government schools on par with other candidates appointed in the year 2012 and grant all other benefits from the year 2012.

2. The petitioner had completed Bachelor of Arts in Ancient History, Culture and Archaeology and Philosophy during the year 1992 at Allahabad University. He had completed various courses, viz., Bachelor of Education (B.Ed) during April, 1997 at Pondicherry University, Post Graduate Degree in History during May, 2001 at Annamalai University and double degree system



conducted by Annamalai University and completed B.A.English Literature during the year 2010. He claimed that he has requisite qualification to be appointed to the post of Graduate Teachers/B.T. Assistant in Tamil Nadu Secondary School service.

3. In the year 2012, he applied and appeared for the Teachers Eligibility Test (TET) and secured 76% marks and therefore he claimed that he should have been appointed as B.T. Assistant.

4. The respondents had called upon him to produce certificates relating to his education. On verification, they found that his B.A. Ancient History had been obtained from Allahabad University and stated that an equivalence certificate from Madras University should be obtained by the petitioner herein.

5. The petitioner then placed reliance on the certificate issued by the Registrar, in charge of University of Madras dated 25.03.2018 in official communication No.ERC/Eval/B.A.,2013/538. The said Registrar holding in charge post had declared that the Bachelor of Arts in Ancient History Culture & Archaeology and Philosophy awarded to the petitioner by the University of Allahabad has been recognised as equivalent to corresponding B.A. Degree of Madras University. Placing reliance on the said certificate, the petitioner had filed the present Writ Petition in the year 2017 seeking employment as



B.T.Assistant from the year 2012 onwards.

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6. Insofar as the delay in filing the Writ Petition and seeking such privilege is concerned, the petitioner had stated that he had been seeking this equivalent certificate to be issued to him and 5 years had elapsed in the process. He also stated that even at the time of filing of the Writ Petition, he has crossed the age of superannuation. It is very significant to note that the petitioner had not stated in the affidavit that he had not been employed anywhere till he had crossed the age of superannuation.

7. The respondents have filed a counter affidavit specifically questioning the certificate which the petitioner relied upon, namely, the certificate issued by the Registrar in charge and stated that the certificate has to be issued only by an Equivalence Committee, which would examine the syllabus of both the courses and then issue a certificate.

8. Learned Standing Counsel appearing on behalf of the second respondent/Teacher Recruitment Board has placed reliance on the decision of the Division Bench of this Court in the case of *R.Arumugam V. The Principal Secretary to Government and others* (W.A.Nos.301 and 302 of 2016 dated 22.03.2016), wherein, the Division Bench was called upon to examine a similar certificate issued by the Registrar who was also holding in charge post of Registrar, Madras University.



9. The Division Bench while rejecting the said certificate had observed as follows:

'5. Based upon the orders passed by the Registrar of the University of Madras and based upon the reports of the Chairman of the Board of Studies of Different Universities, it is contended by the learned counsel for the appellant that the Government Order impugned in one of the writ petitions is wholly illegal.

6. But, we do not agree. As against the recommendations of the Equivalence Committee constituted by the Government, the certificate issued by the Registrar of the University is of no value. Moreover, the certificate is seen to have been issued by a person holding in-charge of the post of Registrar. Therefore, we do not wish to give any credence to the certificate issued by the Registrar-In Charge to hold the recommendations of the Equivalence Committee as not correct. The Government Order impugned in one of the writ petitions is based upon the report of the Equivalence Committee, which cannot be annulled on the basis of the letter of the Registrar - In Charge.

7. The reliance placed upon the reports of the Chairman of the Board of Studies of Different Universities, is also of no consequence. The syllabi of various courses in different universities differ. Therefore, merely because one university holds one degree as equivalent to another, the same principle cannot be extended to other universities.'

10. It is seen that the certificate relied upon by the petitioner herein is

of no consequence as stated by the Division Bench. The petitioner should have obtained the certificate from the Equivalence Committee which would examine the issue on case to case basis and pass a Government Order.

11. The efforts of the petitioner in obtaining such certificate after waiting for several number of years cannot come to the rescue of the



petitioner, since he had attained the age of superannuation. The petitioner has also not stated that he was never employed during the interregnum period, which also gives rise to an indirect inference that he would have been probably employed elsewhere and after attaining the age of superannuation had approached this Court trying to get employment on the basis of the examination conducted in the year 2012.

12. In light of the above, the relief sought for the petitioner cannot be granted and this Writ Petition stands dismissed. No costs. Connected Miscellaneous Petition is also dismissed.

28.08.2023

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No

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