



W.A(MD)No.550 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

CORAM:

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

W.A(MD)No.550 of 2013

Mrs.A.Maria Jeya Rani

... Appellant/Petitioner

.Vs.

The Director,
Teachers Recruitment Board,
DPI Complex,
College Road,
Nungambakkam,
Chennai-600 006.

...Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 23.01.2013 made in W.P(MD)No.16639 of 2012.

For appellant : Mr.S.C.Herold Singh

For Respondent : Mr.A.Kannan
Additional Government Pleader



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JUDGMENT

(Order of the Court was made by R. SURESH KUMAR,J.)

This writ appeal has been directed against the order passed by the writ Court, dated 23.01.2013 made in W.P(MD)No.16639 of 2012.

2. The petitioner/appellant claimed for appointment to the post of BT Assistant in History and that was negated on the sole ground that he secured a degree of B.A (History) during one year after completing 3 years degree in commerce i.e., B.Com. Only at that juncture, he had moved the said writ petition.

3. This was considered by the learned Judge, who has held that in the matter of ***R.Thirunavukkarasu v. The State of Tamil Nadu*** reported in **2012 (5) CTC 129**, this Court has held that an additional degree obtained after undergoing a course, of a duration of one year, cannot be considered as valid essential qualification for recruitment.



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4. Therefore, when that was taken by the recruiting agency or appointing authority, who as taken a decision, not to take the candidature of the petitioner/appellant for the appointment to the post of BT Assistant (History) for want of qualification as they did not recognize the one year duration, B.A (History) qualification said to have been obtained by the petitioner/appellant as a valid qualification is to be sustained, that is why, the learned Judge had rejected the writ petition through the impugned order.

5. Heard Mr.S.C.Herold Singh, learned counsel appearing for the appellant, who would submit that, as per the NCTE Notification, dated 4th May 2011 B.Com., decree holders also had been permitted to write the TET examination and insofar as the appellant is concerned, since he is having the basic UG decree of B.Com, that can be treated as essential qualification for the purpose of writing TET examination which was the gate way in getting the appointment to the post of teacher at various levels in Government Schools. When that being the position, the additional decree in the relevant subject, namely, History obtained by the petitioner/appellant even though, if the duration is one year, that can be treated as a valid qualification for the purpose to consider his candidature to the



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post of BT Assistant (History) and therefore, to that extend, the reasoning given by the learned Judge is erroneous, hence, he seeks indulgence of this Court.

6. Heard Mr.A.Kannan, learned Additional Government Pleader appearing for the respondent, who having reiterated the stand taken by the respondent before the writ Court seeks indulgence of this Court.

7. We have considered the said rival submissions made by both sides and have perused the materials placed before this Court.

8. Insofar as the qualification is concerned, one must have to get a post of BT Assistant (History) it is a UG decree in History and the UG decree History said to have been obtained by the petitioner after completing the B.Com decree is of one year duration and such kind of one year duration decree cannot be treated as a bachelor decree even according to the UGC regulation. That has been dealt with in number of cases of this Court and one such case is that ***R.Thirunavukkarasu v. The State of Tamil Nadu*** reported in ***2012 (5) CTC 129***, where, the learned Judge, who passed the impugned order is a party and who held



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so, and therefore, the plea raised by the appellant that his B.A., history shall be taken as an essential qualification for the purpose of selection and appointment to the post of BT Assistant History cannot be countenanced and therefore, the plea raised by the appellant even before the writ Court was rightly held to be rejected and accordingly, it was rejected and the said order which is impugned herein does not warrant any interference. Hence, this writ appeal fails and accordingly, it is dismissed. No costs.

[R.S.K.,J.] [K.K.R.K.,J.]
16.03.2023

Index : Yes / No
Internet : Yes / No
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To

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R. SURESH KUMAR, J.
and
K.K.RAMAKRISHNAN, J.

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JUDGMENT MADE IN
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