



W.P(MD)No.8046 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8046 of 2012

R.Jayamuneeswari

... Petitioner

Vs.

1.The Director of Teacher Education,
Research and Training,
DPI compound,
College Road,
Fort St.George,
Chennai-06.

2.The Joint Director,
Directorate of Teacher Examination,
Chennai-05.

3.The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
1st Floor, CSD Building, HMT Post,
Bangalore-560031.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents to permit the Petitioner to write the examination in failed subject viz., English language under old syllabus in the course of Diploma in Teacher Education in present academic year 2012.



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For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

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ORDER

Heard both sides.

2. The writ petition is in respect of cause of action that arose in 2012. It relates to writing of examination in diploma in Teacher Education Course. We are now in 2023. Nothing survives for adjudication.

3. The learned Special Government Pleader informs the Court that W.P.No.13971 of 2012 etc., filed for similar relief were dismissed by the Principal Seat on 03.07.2012 in the following terms:-

“10. But, it is seen from the Government Order G.O.Ms.No.6, dated 12.01.2010 that the new syllabus was introduced for the first year in 2008-09 itself and the new syllabus for the second year was introduced with effect from 2009-10. The introduction of the new syllabus was as per the Government Orders, G.O.Ms.Nos.82 & 221 respectively dated 05.04.2007 and 12.08.2008. Therefore, the petitioners are supposed to have had knowledge of the impending switch over sufficiently in advance. Hence, the contention that they were taken by surprise cannot be accepted.

11. One grievance of the petitioners is genuine and real. That is that the petitioners have passed the internals, under the old syllabus and that the impugned Government order is silent about the fact of the petitioners passing the internals under the old syllabus. But, this doubt of the petitioners has been cleared by the counter affidavit of the third respondent. In the short counter filed by the third respondent, he has clearly indicated that those candidates



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who had passed internal assessment under the old syllabus will not be compelled to again undergo internal assessment. The relevant portion of this counter filed by the third respondent reads as follows:-

“Those candidates are exempted from doing internal assessment and grading examinations etc., (Government Letter No.3950-4/V1/2002), dated 08.08.2003 for those candidates an endorsement is made in the mark certificate stating that they were exempted from doing internal assessment and grading. (Endorsement)”

Exempted from internal Assessment
and Grading vide Government
Letter No.3950-4/01/2002, School
Education Department Dated 08.08.2023
Secretary,
State Board of School Examination
Tamil Nadu

12. In view of the above, the grievance of the petitioners that they may be again compelled to undergo the course and again compelled to undergo internal assessment does not survive. The only other ground on which the petitioners attacked the impugned order has been found by me to be unsustainable. When a change over from old syllabus to the new syllabus takes place and when a period of about three years has been granted, from the date of the original notification, the petitioners ought to have prepared themselves in advance. Hence, the Government Order cannot be found fault with. Therefore, the writ petitions are dismissed. However, as per the counter affidavit of the third respondent, the petitioners shall not be asked either to undergo the course once again or to undergo the internal assessment once again. The petitioners may be permitted to write all the examinations under the new syllabus. Since the examinations under the new syllabus have commenced, the respondents shall permit the petitioners to write atleast the remaining papers in the new syllabus, if they have already applied for the same and paid the examination fees.”



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G.R.SWAMINATHAN, J.

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4. Thus even on merits, the petitioner does not have a case. The Writ Petition is dismissed. No costs.

20.09.2023

Index : Yes / No

Internet : Yes/ No

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