



W.P(MD)No.5571 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5571 of 2023
and
W.M.P.(MD)Nos.5198 and 5199 of 2023

R.Deebarani

... Petitioner

Vs.

- 1.The Joint Director,
School Education Department
(Higher Secondary School),
College Road, DPI Compound,
Chennai – 6.
- 2.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The District Educational Officer,
O/o. the District Educational Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Headmaster,
Government Higher Secondary School,
Parthibanur,
Ramanathapuram District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.2730/Aa2/2022 dated 26.12.2022 and quash the same as illegal and consequently to direct the respondents to include the name of the petitioner in the panel of P.G.Assistant (Tamil) for the year 2021-2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmalkhan, Senior Counsel,
For M/s.Ajmal Associates.

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard the learned senior counsel for the writ petitioner and the learned Additional Government Pleader for the respondents.

2.The petitioner is working as B.T. Assistant (Tamil) in Government Higher Secondary School. She wants to be empaneled for



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the post of P.G. Assistant (Tamil). The petitioner possesses M.A. degree in Tamil as well as B.Ed. However, the petitioner's case for empanelment was negatived only on the ground that she had obtained dual degree. In other words, the stand of the respondents is that the academic programme of M.A. (Tamil) and the academic programme of B.Ed. had over-lapped. The petitioner had earlier filed W.P.(MD)No.4800 of 2022 and this Court vide order dated 18.03.2022 passed the following order:-

“3. The contention of the petitioner is that she discontinued from B.Ed., degree, thereafter, completed M.A., after completing M.A., again she continued the second year of B.Ed., course. Hence, the contention of the petitioner is her degree is not overlapping. The petitioner also relied on the judgment in W.A.No.1035 of 2017 dated 24.11.2017.

4. This Court is not expressing any opinion on the entire issue. The respondents are directed to consider the petitioner's representation dated 07.01.2022 in the light of Division Bench order stated supra.”

Pursuant to the said direction, the impugned order dated 26.12.2022 came to be passed negating the petitioner's request. Challenging the same, the present writ petition came to be filed.



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3.The learned senior counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and the learned Additional Government Pleader took me through the contents set out in the counter affidavit.

4.After carefully considering the rival contentions, I am more than satisfied that the writ petition has to be allowed. The petitioner joined M.A. academic programme in the year 2002. After completing the first year, she discontinued the said Post Graduate course. Thereafter, she joined B.Ed. degree course in the year 2003 – 2004. After successfully completing the same, she rejoined M.A. degree in the second year. She was readmitted and she successfully completed the said Post Graduate course in May 2005. On the face of it, there appears to be broad over-lapping. But in fact, that is not the case. Post Graduate degree was acquired by the petitioner by pursuing the course during the following years (ie., 2002 – 2003 and 2004 – 2005). B.Ed. course was undergone during the intervening period (ie., 2003 – 2004). A mere look at the sequence of events would indicate that there was no over-lapping at all. The learned senior counsel draws my attention to the certificate issued by



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Annammalai University. It clearly states that the petitioner was re-admitted to second year during the year 2004 – 2005. When a similar issue arose before the Hon'ble Division Bench, the Hon'ble Division Bench vide order dated 24.11.2017 made in W.A.(MD)No.1035 of 2017 held as follows:-

“2. The controversial question involved in this case is whether the respondent herein had completed his M.A. degree and B.Ed. degree simultaneously so as to treat his as ineligible for being considered for the post of P.G. Assistant. The learned Single Judge, having gone through the relevant materials, found that the respondent had completed the first year of M.A. Degree course by 2008 and after discontinuing the same, he had joined the B.Ed. Course in the year 2008 and completed the same by the year 2010 and thereafter, he had continued the M.A. Degree by re-joining the course in the year 2010 and completed the same in the year 2011, and thereby allowed the writ petition directing the appellant to consider the case of the respondent herein for the post of PG Assistant. Challenging the same, the present writ appeal has been filed by the Teachers Recruitment Board.

3. On going through the materials placed before us and the order passed by the learned Single Judge, especially, the copy of the certificate issued by the Annammalai University to show that the respondent had done



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his first year degree in M.A. during the period 2007-2008 and 2010-2011 and he had discontinued the interregnum period viz., 2008-2009 and 2009- 2010 and also the copy of the B.Ed., certificate of the respondent, produced at page 5 of the typed set of papers, we find that the learned Single Judge has rightly held that the respondent has done both the courses in different academic years and it cannot be treated as having been done simultaneously.”

5.The case on hand is absolutely similar. In this view of the matter, the impugned order is quashed. It is declared that the petitioner is very much entitled to be considered for the post of P.G. Assistant. She shall be included in the petition mentioned panel and the petitioner's case will be considered on that basis.

6.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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