



W.P.(MD)No.6725 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.6725 of 2019

and

W.M.P.(MD)Nos.5379 & 5380 of 2019

D.Meena

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Directorate of School Education,
College Road, Chennai-600 006.

3.The Joint Director of School Education,
(Vocational) College Road, Chennai-600 006.

4.The Teachers Recruitment Board,
Rep. by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the respondents 1 and



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2 to include B.E degree as eligible qualification for recruitment to the post of Computer Instructors Grade-I as prescribed under G.O.Ms.No.140, School Education (HS2) Department, dated 19.05.2010 in the forthcoming recruitments including the present Notification No.09/2019 issued by the 4th respondents Teachers Recruitment Board dated 01.03.2019.

For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Isaac Chambers
For R1 to R3 : Mr.D.Sadiq Raja,
Additional Government Pleader
For R4 : Mr.VR.Shanmuganathan,
Standing Counsel

ORDER

This Writ Petition is filed to issue a Writ of Mandamus, directing the respondents 1 and 2 to include B.E degree as eligible qualification for recruitment to the post of Computer Instructors Grade-I in the Higher Secondary Schools run under the Government of Tamil Nadu.

2.The learned counsel appearing on behalf of the petitioner submitted that originally, upon creation of the post of Instructors in



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Computer Science, qualifications were prescribed vide G.O.(Ms)No.7, dated 04.01.2000, wherein candidates, possessing B.E., degree in Computer Science and Engineering or Electronics and Communication or Electrical and Electronics Engineering from a recognized University in the State or a degree of equivalent standard, were also eligible to be appointed as Instructors. However, in the year 2019 by G.O.(Ms)No.26, School Education (SE7-1) Department, dated 12.02.2019, while considering the implementation of NCTE norms by erroneously taking the norms prescribed for the post of a regular Teacher and not that of Instructor, directions were issued to strictly follow NCTE norms, in which B.E., degree is not one of the essential qualifications. Accordingly, when vacancies were called for subsequently by the notification in the year 2019, B.E., degree is not mentioned as an eligible qualification. Therefore, the petitioner has made a representation and filed the present Writ Petition.

3.This Writ Petition is resisted by the respondents by filing counter affidavit. In the said counter affidavit, after mentioning the above facts, it is stated in paragraph 16 as follows:-



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“16.It is submitted that the 2nd respondent has submitted the proposals to amend the adhoc rules which was framed in GO(MS)No.7, School Education (VE) Department, dated 04.01.2000 to the first respondent vide letter Rc.No. 1502/V1/S2/2010, dated 27.03.2019 which was under the active consideration of the first respondent.”

4.Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned Standing Counsel for the 4th respondent.

5.In view of the above situation, without making any observation on merits, when the matter is under the active consideration by the 1st respondent, who is the competent authority to fix relevant eligibility criteria, I am of the view that the 1st respondent can be directed to take a decision in that matter and the petitioner can also make a fresh representation, raising all the contentions, so that the 1st respondent can consider the same.



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6. Accordingly, this Writ Petition is disposed of on the following terms:-

(i) The petitioner can make a representation by duly annexing a copy of this order, in which the petitioner can raise all the grounds raised before this Court within a period of three months from the date of receipt of a copy of this order; and

(ii) The 1st respondent shall consider the pending proposal vide letter dated 27.03.2019 as well as the said representation and shall take a decision on merits and in accordance with law as expeditiously as possible in any event not later than a period of three months thereafter.

However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

- 1.The Secretary,
State of Tamil Nadu,
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D.BHARATHA CHAKRAVARTHY, J.

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