



W.P.(MD).No.10046 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.10046 of 2016
and
W.M.P.(MD).No.7889 of 2016**

J.Jency Angel

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Department of School Education,
Fort St.George, Secretariat,
Chennai – 600 009.
- 3.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.
- 4.The Director of School Education,
College Road, DPI Campus,
Nungambakkam,
Chennai – 600 006.



W.P.(MD).No.10046 of 2016

5. The Joint Director of School Education,
College Road, DPI Campus,
Nungambakkam,
Chennai – 600 006.

6. The Chief Education Officer,
O/o. Chief Education Officer,
Tiruchirappalli District,
Tiruchirappalli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Rc.No.2597/TET/Legal Cell/2012 dated 24.05.2016 and quash the same and consequently direct the respondents to permit her to work as Graduate Assistant (B.T.Assistant) in English in pursuance of the appointment order dated 19.11.2013 passed by the fifth respondent.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.V.Omprakash,
Government Advocate.

ORDER

This Writ Petition is filed challenging the order dated 24.05.2016 and consequently direct the respondents to permit the petitioner to work as Graduate Assistant (B.T. Assistant) English in pursuance of the appointment order dated 19.11.2013 passed by the fifth respondent.



W.P.(MD).No.10046 of 2016

2. The petitioner has completed Diploma in Teacher Education in the year 2007 and subsequently, completed BA (English and Communication) through Annamalai University in the year 2010. In the year 2011, the petitioner has completed B.Ed. and Tamil Nadu Teachers Education University, Chennai has issued Provisional Certificate for B.Ed., degree. Thus, the petitioner is fully qualified to be appointed as B.T. Assistant English and he enrolled himself in the Employment Exchange. Further, the petitioner also completed PG degree in M.A. English through Annamalai University in May 2014. The petitioner was also qualified with TET. In spite of the said qualification, the petitioner was not selected to the post of B.T. Assistant for the reason that since the Bachelor of Arts (English and Communication) awarded by the Annamalai University was not equivalent to B.A. English. Hence, the petitioner filed W.P.(MD)No.16496 of 2012 and this Court vide order dated 21.01.2013 directed the TRB to get a clarification from the Higher Education Department and pass appropriate orders. In the meanwhile, the petitioner was appointed as Secondary Grade Teacher on 11.12.2012. Subsequently, pursuant to the order in W.P.(MD)No. 16496 of 2012, the third respondent had recommended to fourth respondent for appointing the petitioner as Graduate Assistant in English, by proceedings dated 09.01.2013. Consequently, the fifth respondent issued appointment order dated 19.11.2013 and thereafter the petitioner was continuing in the post of



W.P.(MD).No.10046 of 2016

Graduate Assistant in English. As against the order of the Court dated 21.01.2013, the respondents preferred Writ Appeal. In the meanwhile, the third respondent had issued impugned proceedings dated 24.05.2016, cancelling the petitioner's selection for the post of Graduate Assistant. Aggrieved over the same, the present Writ Petition is filed.

3. In the earlier round of litigation, the respondents had preferred writ appeal in W.A.(MD)No.1145 of 2019 and this Court dismissed the Writ Appeal vide order dated 05.11.2019, where it has been stated as under:

“4. We fully agree with the submission made by the learned Special Government Pleader that the University offering the course of study, cannot themselves certify that it is equivalent to any other degree offered by the same university or other university. At best the university can address the Government and place the syllabus and request an order from the Government stating that both courses are equivalent. If we have accepted the above submission of the learned Special Government Pleader, the natural consequence that has to allow writ appeal and set aside the order in the writ petition. However, we are not inclined to do so on account of the fact that the impugned order was passed on 21.01.2013. The respondent's appointment was approved and she has been working and subsequently, she is stated to have been secured M.A (English and Communication) and stated to have been granted the increment for acquiring such post graduate qualification. Therefore, we do not propose to disturb the said position at this distance of time. Only for such reason, we decline to entertain this appeal”.



W.P.(MD).No.10046 of 2016

The Hon'ble Division Bench has directed the respondents to allow the petitioner to continue in the said post. Since the petitioner has already completed B.A. regular English and M.A., regular English, she is fully qualified even though the B.A. (English and Communication) is not considered as equivalent. The petitioner is continued in the said post from 19.11.2013 onwards and has completed nearly 10 years of service.

4. Following the Hon'ble Division Bench order, this Court is also confirming the appointment of the petitioner in the post of B.T. Assistant (English). The impugned order is quashed. The respondents are restrained from disturbing the petitioner's appointment. Consequently, the petitioner is entitled to all benefits including service and monetary benefits applicable to the said post and the same shall be disbursed to the petitioner, if not paid. The learned counsel appearing for the petitioner submitted that because of the pendency of the litigation, the respondents have not declared the petitioner's probation. Hence, this Court directs the respondents to declare the probation of the petitioner in accordance to law. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.10046 of 2016

WEB COPY

5. At this juncture the Learned Counsel appearing for the respondent submitted that the respondents are intended to prefer SLP or review application. It goes without saying that if the order in writ appeal is reversed either in SLP or Review, then the TRB may pass orders as per the said orders which would be passed in the said SLP or Review.

6. In view of the above, this Writ Petition is allowed in above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



W.P.(MD).No.10046 of 2016

To
WEB COPY

1. The Principal Secretary to Government,
Department of Higher Education,
Fort St. George, Secretariat,
Chennai – 600 009.
2. The Principal Secretary to Government,
Department of School Education,
Fort St. George, Secretariat,
Chennai – 600 009.
3. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Campus,
College Road,
Nungambakkam,
Chennai – 600 006.
4. The Director of School Education,
College Road, DPI Campus,
Nungambakkam,
Chennai – 600 006.
5. The Joint Director of School Education,
College Road, DPI Campus,
Nungambakkam,
Chennai – 600 006.
6. The Chief Education Officer,
O/o. Chief Education Officer,
Tiruchirappalli District,
Tiruchirappalli.



WEB COPY



W.P.(MD).No.10046 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).No.10046 of 2016

10.04.2023