



W.P.(MD)No.19457 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.19457 of 2017 and
W.M.P.(MD)Nos.15756 to 15758 of 2017

A.Divyabharathi

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
represented by its Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.
- 2.The Teachers Recruitment Board,
represented by its Chairman,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.
- 3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.
- 4.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,



W.P.(MD)No.19457 of 2017

WEB COPY

New Delhi-110 002.
5.The Registrar,
SASTRA University,
Tirumalaisamudram,
Thanjavur-613 401.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the “Certificate Verification Result” published by the 2nd respondent in the website of the Teachers Recruitment Board, declaring the petitioner (ie., Roll No. 17PG22020548) as "Not selected" for appointment to the post of Post Graduate Teacher (English) for the year 2016-2017 and quash the same and consequently, to direct the respondents 1 to 3, to appoint the petitioner as Post Graduate Assistant (English) for the year 2016-2017 based on the Advertisement No.3 of 2017, dated 09.05.2017 and to grant all the service and monetary benefits with effect from the date of appointment of other selected candidates to the post of Post Graduate Assistant (English) for the year 2016-2017 within a time limit to be fixed by this Court.

For Petitioner	: Mr.B.Karunanithi
For R1 and 3	: Mr.S.Kameswaran Government Advocate
For R2	: Mr.V.R.Shanmuganathan
For R4 and 5	: No appearance



W.P.(MD)No.19457 of 2017

WEB COPY

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the “Certificate Verification Result” published by the 2nd respondent in the website of the Teachers Recruitment Board, declaring the petitioner as "Not selected" for appointment to the post of Post Graduate Teacher (English) for the year 2016-2017 and consequently, to direct the respondents 1 to 3, to appoint the petitioner as Post Graduate Assistant (English) for the year 2016-2017 based on the Advertisement No.3 of 2017, dated 09.05.2017 and to grant all the service and monetary benefits with effect from the date of appointment of other selected candidates to the post of Post Graduate Assistant (English) for the year 2016-2017 within a time limit to be fixed by this Court.

2. The petitioner's candidature to the post of P.G. Assistant (English) for the academic year 2016-2017 was rejected for the reason that the petitioner's qualification is not equivalent to the qualification prescribed for the said post. The petitioner after passing Higher Secondary in May 2009, had joined M.A.



W.P.(MD)No.19457 of 2017

WEB COPY

(English). B.Ed., (Integrated Course) Sastra University in May 2014 and had passed M.A.(English). B.Ed., (Integrated Course) and also possessing UGC-NET. The 2nd respondent has issued Advertisement No.3 of 2017, dated 09.05.2017, inviting applications to the post of P.G. Assistants (English). In the application, the petitioner has specifically stated that she had completed UG, PG i.e. M.A. and B.Ed. Degree (Integrated Course). However, the petitioner was not selected and the reasons stated that integrated UG, PG and B.Ed., five years Course 5 years cannot be considered as completed as 10+2+3+2+1. The claim of the petitioner is that the Bharathidasan University, Trichy, has M.A., B.Ed., Degree as qualification and also granted approval in the order, dated 06.09.2017. In spite of the same, the respondents have not selected the petitioner. Aggrieved over the same, the present writ petition is filed.

3. At the time of admission, this Court has granted an interim order, wherein it is stated that any appointment made to the post of P.G. Assistant (English) shall be subject to the result of final order of this writ petition.



W.P.(MD)No.19457 of 2017

WEB COPY

4. The 2nd respondent has filed a counter affidavit stating that the petitioner has completed M.A. English and B.Ed., (Integrated Course) and has completed 2 degrees within a span of five years. As per the rules in force, a candidate should possess M.A./M.Sc./M.Com. in relevant subject with B.Ed. Degree can compete for both B.T. / P.G. Assistant post provided, they should have studied the subject in Bachelors Degree and Masters Degree. Therefore, the candidate studying in distance mode on acquiring B.Ed., degree during the course of M.A., distance mode making them eligible for B.T. Assistant. The purpose of doing B.Ed. Course in the course period of M.A. or before acquiring the M.A. degree in the distance mode is to make themselves eligible for appointment as B.T. Assistant before hand or to become senior to the candidate who acquired the two degrees in regular stream in different years. The candidates in distance mode were allowed to do simultaneous degree and, in this way, they would finish B.Ed. one year earlier and become senior than the regular stream candidates. Hence there would be special concession special concession to them than the regular stream candidates. Hence the respondents prayed to dismiss the writ petition.



W.P.(MD)No.19457 of 2017

WEB COPY

5. Heard Mr.B.Karunanithi, learned Counsel appearing for the petitioner, Mr.S.Kameswaran, learned Government Advocate appearing for respondents 1 and 3 and Mr.V.R.Shanmuganathan, learned Counsel appearing for second respondent.

6. The learned Counsel appearing for the petitioner relied on G.O.Ms.No. 75, Personnel and Administrative Reforms (M) Department, dated 30.06.2011, wherein the Secretary of Tamil Nadu Public Service Commission has informed that the Equivalence Committee in its meeting held on 25.01.2011, has passed the following resolution:

“Resolution No.6:

Consideration of the following 5 year integrated courses offered by Annamalai University as equivalent to corresponding U.G. degree for the purpose of employment in Public Services.

Recommendation:

To recommend to Government to consider the candidates to be eligible for the posts where degree is prescribed.”



W.P.(MD)No.19457 of 2017

WEB COPY

7. After careful consideration, the Government has decided to accept the recommendation of Equivalence Committee and directed the 5 years integrated courses offered by Annamalai University mentioned in the para 2 of the G.O. as equivalent to corresponding U.G. Degree for considering the candidates to be eligible for the posts where degree is prescribed. Based on this G.O., the learned Counsel appearing for the petitioner submitted that the degree (Integrated course) obtained by the petitioner is equivalent to U.G. degree.

8. The learned Counsel appearing for the petitioner further referred to the judgment rendered by the Honourable Full Bench of this Court in W.P.(MD)No. 16181 of 2013 dated 29.11.2013 in ***Nadar Thanga Shubha Lakshman.A Vs The State of Tamil Nadu*** reported in ***2014 3 CTC 433***, wherein it has been held that once equivalency is granted by the Equivalence Committee, it cannot be stated it will be granted only prospectively and it is applicable from the date of acquisition of the degree. Therefore, the learned Counsel appearing for the petitioner prayed to allow the writ petition. Based on the judgment, this Court has also considered a



W.P.(MD)No.19457 of 2017

WEB COPY

case in W.P.(MD)No.17903 of 2017, vide order, dated 31.03.2022, and also in W.P.(MD)No.3639 of 2014 vide order dated 19.10.2022 has held if once equivalency is declared, the petitioner's candidature ought to be considered with retrospective effect. As far as equivalency for the Course studied in Sastra University is concerned, G.O.Ms.No.259, Higher Education (K1) Department, dated 21.12.2021, states as under:

“30.Public Services- Educational Qualification- Consideration of M.A., B.Ed., (5 year integrated) offered by SASTRA Deemed to be University as to whether equivalent to B.Ed (One year) for the purpose of employment in Public Services. - Equivalent.”

9. Therefore, this Court is of the considered opinion that the impugned order passed by the 2nd respondent rejecting the candidature of the petitioner is erroneous and against the dictum rendered in the Hon'ble Full Bench judgment. Hence, the impugned order is quashed, as far as the petitioner is concerned. The second respondent is directed to select the petitioner and pass orders within a period of two weeks from the date of receipt of a copy of this order and forward the list to the appropriate appointing authority. The appointing authority shall issue appointment order within a period of two weeks thereafter. However, it is made clear that the petitioner is entitled to all service and monetary benefits from the date of issuance of appointment order. If the respondents delay in granting appointment order from the above prescribed time, the petitioner is



WEB COPY



W.P.(MD)No.19457 of 2017

entitled to compensation.

10. With the above said observation, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

09.01.2023

Internet : Yes

Tmg

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-600 009.
2. The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.



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W.P.(MD)No.19457 of 2017

S.SRIMATHY, J

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W.P.(MD)No.19457 of 2017

09.01.2023