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W.P.No.18306 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.18306 of 2012
and M.P.No.2 of 2012

S.Senguttuvan

... Petitioner

Vs.

1.The Teachers' Recruitment Board,
represented by its Member-Secretary,
4th Floor, EVK Sampath Maaligai,
College Road,
Chennai – 600 006.

2.B.S.Srikala

3.J.R.Bhaskar

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records comprised in the selection list for recruitment to the post of P.G.Assistant (Commerce) in the Government Schools, in the list of candidates selected for appointment for the Post Graduate Assistant through Employment Exchange Registration Seniority 2010-2011 dated -nil- as published by the first respondent in so far as the selection of the second and third respondent under the ICM-SGPR quota is concerned, quash the same and consequently direct the first respondent to consider the petitioner for appointment for the Post



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Graduate Assistant through Employment Exchange Registration Seniority
2010-2011.

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For Petitioner : Mr.R.Bharanidharan

For Respondent 1 : Mr.C.Kathiravan,
Standing Counsel

ORDER

The petitioner has filed this writ petition to call for the records comprised in the selection list for recruitment to the post of P.G.Assistant (Commerce) in the Government Schools, in the list of candidates selected for appointment for the Post Graduate Assistant through Employment Exchange Registration Seniority 2010-2011 dated -nil- as published by the first respondent in so far as the selection of the second and third respondent under the ICM-SGPR quota is concerned, quash the same and consequently direct the first respondent to consider the petitioner for appointment for the Post Graduate Assistant through Employment Exchange Registration Seniority 2010-2011.

2. Learned counsel for the petitioner submitted that the petitioner had completed his under graduate course in B.A. (Bank Management) at



Tranquebar Bishop Manickam Lutheran College, Poraiyar, Nagappattinam

District, which is equivalent to the course of B.Com as most of the subjects are similar. Since the only resort after completing B.A (Bank Management) for post graduate studies was M.Com, so, the petitioner had joined the course of M.Com at Annamalai University and completed the same in the year 1995. Thereafter, the petitioner had pursued B.Ed., course at Anna University and completed the same in the year 1996. After that, the petitioner has registered the said course in Employment Exchange with Registration No.1996 M 07567.

3. Learned counsel for the petitioner further submit that the petitioner belongs to Hindu Adi-Dravidar Scheduled Caste Community and he got married with one A.V.Uma Maheshwari, who belonged to a different caste. Therefore, the petitioner was eligible to be selected under the Schedule Caste-General-Priority quota termed as SGPR (Schedule Caste General Priority) as well as under the Inter Caste Marriage termed as ICM. However, during the month of November 2011, the first respondent called for list of candidates from the employment exchange for recruitment to the post of Post



Graduate Assistants and the name of the petitioner was sponsored and thereafter, the petitioner has received a communication dated 23.11.2011 from the first respondent for certificate verification. It is pertinent to state that there were 2 vacancies in the priority quota for Schedule Caste candidates and only 10 persons were sponsored under the said quota and the petitioner was the senior most of all the candidates sponsored under the said quota. However, the petitioner was not selected and on verification, it was informed that he was not selected with a remark “Cross Major”, which the first respondent meant that the under graduate course pursued by the petitioner was not equivalent to that of B.Com.

4. Learned counsel for the petitioner would further submit that the respondents 2 & 3, who are juniors to the petitioner in the seniority list were selected for the aforesaid post under the ICM-SGPR quota. Therefore, the petitioner approached the respondents and submitted that the course of B.A (Bank Management) is certainly equivalent to B.Com as all the ancillary subjects are one and the same, besides the only resort for pursuing higher studies such as P.G. Course after completing B.A (Bank Management) of



U.G. is only M.Com and therefore, there is no other branch of study. In the case of the petitioner, the only course to be undergone at the Post-Graduate level after completing B.A. (Bank Management) is M.Com, even as per the eligibility criteria for M.Com in the Government Colleges and various other colleges including Universities and therefore, the petitioner, who pursued M.Com after completing B.A. (Bank Management) cannot be termed as “Cross Major”. In the said circumstances, not selecting the petitioner for the reason “Cross Major” for having undergone UG in Bank management is arbitrary and unreasonable. Hence, the petitioner has come forward with the present writ petition.

5. The first respondent has filed a counter affidavit. The learned standing counsel appearing for the respondents would submit that Under Graduation in B.A. (Bank Management) obtained by the petitioner is not equivalent to B.Com. For better appreciation, the relevant paragraphs of the said counter affidavit is extracted hereunder:

“5.The petitioner was again sponsored by the employment exchange for the year 2010-2011. He was called for certificate verification on 09.01.2012. At the time of certificate verification, it was found that he was in possession of



the following qualification:

1.	<i>B.A., (Bank Management)</i>	-	<i>1990</i>
2.	<i>M.Com., (Commerce)</i>	-	<i>1995</i>
3.	<i>B.Ed.,</i>	-	<i>1996</i>

He has registered in the employment exchange on 21.08.1996.

According to G.O.Ms.No.361, School Education Department dated 31.12.1999 “candidates should have studied the same subject in Bachelor's degree and Master's degree both for academic subjects and Languages. The petitioner has acquired his graduation in Bank Management, instead of commerce i.e., B.Com. Since, the petitioner did not possess relevant qualification in the U.G. Degree as per the Government Orders and he studied “Cross Major” in the U.G. Degree, the Board considered his candidature as ineligible for the post of post Graduate Assistant in Commerce.

6. Being senior in the list sponsored by the employment exchange, he should be selected in the recruitment and that the second and third respondent viz., B.S.Srikala and J.R.Bhaskar, who have registered in the employment on 27.04.1998 and 08.11.1999, who were junior to the petitioner were selected.”

6. Learned standing counsel appearing for the respondents would submit that the requisite educational qualification prescribed for the post of P.G.Assistants (Commerce) are B.Com, M.Com & B.Ed., and both the bachelor and post graduate degree must be obtained in the same subject. The



relevant portion from clause (7) under the heading qualifications required is extracted hereunder:

Qualifications Required:

a) Essential

(i) **Academic:** B.Com., (Commerce) and M.Com., (Commerce) obtained from a recognized University in regular stream (10 + 2 +3).

(ii) **Technical:** B.Ed. or B.T. obtained from a recognized University.

b) Whether there is any relaxation in qualification available for certain categories of applicants: No relaxation, only candidate possess same subject as major in Bachelor degree and postgraduate degree alone are eligible.

7. Learned standing counsel appearing for the respondents would further submit that the petitioner herein has studied B.A. (Bank Management) in Tranquebar Bishop Manickam Lutheran College, Porayar (affiliated to Annamalai University) as UG degree and M.Com as Master Degree. Both the UG and PG degree was not obtained in the same subject as per G.O.Ms.No.361, School Education Department dated 31.12.1999. Further, B.A. (Bank Management) studied in Bharathidasan University is equivalent to B.Com as per G.O.Ms.No.65, Higher Education (K2) Department, dated 24.04.2019, which is also made equivalent in the year 2019 only. However, the petitioner herein has studied his UG degree in Annamalai University



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which is not considered as equivalent degree.

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8. Learned standing counsel appearing for the respondents would further submitted that since Directorate of School Education (DSE) is the competent authority in appointing candidates by way of transfer / promotion and TRB is a nodal recruiting agency only to conduct direct recruitment in accordance with the Acts, rules and Government orders, it has no role in recruitment by way of promotion / transfer. The recruitment was conducted before 13 years back (2010-2011) by way of Employment Exchange Registration Seniority, the Board requires time to verify the records with regard to ICM-SGPR certificates of the respondents 2 & 3. After P.G.Assistant for the year 2010-2011, the Board has finalized subsequent recruitments in the following years 2011-2012, 2013-14 & 2014-15, 2016-2017, 2018-2019 and 2020-2021.

9. Heard the learned counsel on either side and perused the materials available on record.



10. It is an admitted fact that the petitioner has done only B.A. (Bank Management) from the Annamalai University, which is not equivalent to B.Com., degree, since B.Com is the requisite qualification for appointment to the post of P.G.Assistant (Commerce) as per the qualification issued by the first respondent in the year 2010-2011. Though, the petitioner has obtained the equivalent certificate in B.A. (Bank Management) from Annamalai University, there is no Government Order issued by the Government to show that B.A. (Bank Management) from Annamalai University is equivalent to B.Com degree. Hence, the case of the petitioner was not considered by the first respondent.

11. Moreover, the age of the petitioner on the date of filing this writ petition is 47 years and now, he is 59 years old. Hence, the case of the petitioner cannot be considered for appointment as P.G.Assistant (Commerce), since he is having only one year of service, as on date.

12. In view of the above factual matrix of the case, this Court is of the considered view that the petitioner is not eligible for appointment to the post



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of P.G.Assistant (Commerce) and this writ petition is liable to be dismissed.

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13. Accordingly, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

14.02.2024 (vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

vm

To:

The Teachers' Recruitment Board,
represented by its Member-Secretary,
4th Floor, EVK Sampath Maaligai,
College Road,
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