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W.P.No.17689 of 2015
and M.P.No.1 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.17689 of 2015
and M.P.No.1 of 2015

A.Munirathinam

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Petitioner

versus

1. Teachers Recruitment Board,
Represented by its Member Secretary,
College Road, Chennai - 600 006.

2. The Professional & Executive Employment Office,
Represented by its Assistant Director,
Santhome, Chennai - 600 004.

3. The Director of School Education,
College Road,
Chennai - 600 006.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in Pro.Rc.No.7271/A3/2012, dated 06.01.2015 to quash the same and to issue consequential directions to the respondents to appoint the petitioner as PG Assistant (Botany) Telugu under S.C.General category with effect from the date of appointment in other



selectees in pursuance of the proceeding dated 29.08.2012 of the first respondent with all consequential service and monetary benefits.

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For Petitioner : Mr.M.Ravi
For Respondent No.1 : Mr.K.Satish Kumar
For Respondent Nos.2 & 3 : Mr.K.H.Ravi Kumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the proceedings in Pro.Rc.No.7271/A3/2012, dated 06.01.2015, issued by the first respondent and also to direct the respondents to appoint the petitioner as P.G. Assistant (Botany) Telugu under the S.C.General category with effect from the date of appointment of other selectees in pursuance of the proceedings of the first respondent dated 29.08.2012 with all consequential service and monetary benefits.

2. The petitioner, on an earlier occasion, approached this Court by filing the Writ Petition in W.P.No.25615 of 2012, aggrieved by the action of the second respondent in not sponsoring the name of the petitioner for being considered for appointing to the post of P.G.Assistant (Botany) Telugu and this Court, by an order dated 26.02.2014 directed the respondents 1 and 2 to



sponsor the name of the petitioner and consider his case for being appointed to the said post subject to the petitioner's satisfying the eligible criteria. The relevant portion of the said order reads as under:-

“12. Looking at any angle, in view of the fact that the petitioner is possessing the requisite qualifications for being considered in regard to the appointment / recruitment to the post of PG Assistants for the year 2010-11 Minority subject Telugu Botany, when his name was somehow omitted to be sponsored by the Second Respondent / Professional & Executive Employment Office, Chennai then this Court comes to an inevitable conclusion that the Tentative Provisional List of Candidates selected for Appointment of PG Assistant for the year 2010-11 Minority subjects showing that 'SG TAM not available' in respect of Minority Subject Botany Telugu is not valid and legally unsustainable in the eye of law. As such this Court, to prevent aberration of justice and to promote cause of justice, interference with the said Tentative Provisional List of Candidates selected for appointment of PG Assistant for the year 2010-11 Minority Subjects insofar as the Petitioner is concerned and sets aside the portion of not considering the name of the Petitioner. Further, this Court to secure the ends of justice, directs the First and Second Respondents to consider the claim of the Petitioner (subject to suitability and eligibility) for appointment to the post of PG Assistant



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(Botany) Telugu under Schedules Caste (General) category with effect from the date of appointment of other selectees in pursuant of the above said proceedings dated 29.8.2012 and if found fit and eligible and to pass appropriate order within a period of six weeks from the date of receipt of a copy of this order. Moreover, this Court also directs the Respondents to place the Petitioner at the appropriate place in seniority by scrupulously following the rules and regulations which are in force from time to time.”

3. In pursuant to the above said order dated 26.02.2014, the case of the petitioner has been considered by the respondents and an order was passed *vide* proceedings in Rc.No.7271/A3/2012 dated 06.01.2015. It is aggrieved by the said order, the petitioner approached this Court once again by filing the present writ petition.

4. A perusal of the said order shows that the petitioner is not possessing the requisite qualification and M.Sc., (Botany) and Post Graduate degree possessed by the petitioner is in English Medium with Telugu under Part-I language, but the requisite qualification is M.Sc., (Botany) in Telugu Medium.



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5. The learned counsel for the petitioner has not disputed the fact that the qualification possessed by the petitioner is only M.Sc., (Botany) in English medium with Telugu under Part-I (language). However, the learned counsel for the petitioner placed reliance on the counter affidavit filed by the respondent Board in W.P.No.25615 of 2012 wherein it is contended that in terms of the clarification issued by the respondent Board through its letter bearing Rc.No.3364/B2/2010 dated 17.03.2012, the candidates who studied Post Graduate degree in English Medium with Telugu as Part-I language can also be sponsored for the said post and thus contended that the petitioner is very much qualified in terms of said qualification issued by the respondent Board.

6. This Court has carefully considered the submissions made by the learned counsel for the petitioner and also perused the relevant rules, namely, Special Rules for the Tamil Nadu Higher Secondary Educational Service, which govern the post of Post Graduate Assistants in different languages. In terms of the said Rules, the qualification that is required for the post is a Master's degree in the language in respect of which recruitment



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is made of a University in the State or a Master's degree of its equivalent standard. Though the petitioner has possessed Master's degree in Botany having studied the same in English Medium, he is admittedly not possessing the Master's degree in Telugu language, which is a requisite qualification for the post of P.G.Assistant (Botany) Telugu Medium. The reason assigned in the impugned order is that, the Post Graduate degree possessed by the petitioner was in English medium but not in Telugu Medium.

7. In the light of the admitted fact that the petitioner is not possessing the qualification prescribed under the relevant Rules, the reliance on the clarification issued by the respondent Board through its letter dated 17.03.2012 is of no avail. In the considered view of this Court, the respondent Board has no authority to relax or give a clarification and thereby give a go by to the qualification prescribed under the Special Rules that too by way of a letter. The letter which takes away the effect of the Special Rule is *nonest* in the eye of law. Such a clarification ought not to have been issued by the respondent Board. However, the so called letter dated 17.03.2012 is not placed before this Court but reliance is placed on a counter affidavit filed by the respondent Board in W.P.No.25615 of 2012 only.



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8. This Court is afraid whether any reliance can be placed on the counter affidavit filed in some other writ petition for granting relief in this Writ Petition in the context of the statutory rules prescribing the qualifications for the post in question.

9. In the light of the above and admittedly, the petitioner is not possessing Master's Degree in Telugu Medium, which is the requisite qualification for the post of P.G. Assistant (Botany) Telugu, this Court does not find any error or illegality in the impugned order passed by the respondents.

10. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

15.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

1.The Professional & Executive Employment Office,

7/9



W.P.No.17689 of 2018
and M.P.No.1 of 2018



Represented by its Assistant Director,
Santhome, Chennai - 600 004.

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



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MUMMINENI SUDHEER KUMAR, J.

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