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W.P.No.3500 of 2021 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. Nos.3500, 3504 & 3506 of 2021
and W.M.P.Nos.4003,4004 & 4006 of 2021

A.Shameemunisha Begum	...	Petitioner in W.P.No.3500/2021
S.Janaki	...	Petitioner in W.P.No.3504/2021
S.Gayathiri	...	Petitioner in W.P.No.3506/2021

/vs/

1. The State of Tamil Nadu,
Rep., by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
 2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
 3. The Secretary,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.
- ... Respondents in all W.P's.



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Writ Petitions are filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to declare the selection of the petitioner to the post of Computer Instructor Grade-I (Post Graduate Cadre) based on the Revised Provisional Selection List dated 28.12.2020 issued by the third respondent and consequently issue placement / posting orders to the petitioner in the post of Computer Instructor Grade-I (Post Graduate Cadre) in accordance with seniority / ranking in the selection, based on the representation submitted by the petitioners dated 31.12.2020 & 04.01.2021, within a time frame fixed by this Court.

For Petitioner ... Mr.S.Nedunchezhiyan
(in all W.P's.)

For Respondents ... Mr.V.P.R.Elamparuthi
(in all W.P's.) Additional Govt. Pleader for R1 & R2

Mr.C.Kathiravan, for R3

COMMON ORDER

These petitions are filed to direct the respondents to declare the selection of the petitioner to the post of Computer Instructor Grade-I (Post Graduate Cadre) based on the Revised Provisional Selection List dated 28.12.2020 issued by the third respondent and consequently to issue placement / posting orders to the petitioner in the post of Computer Instructor Grade-I (Post Graduate Cadre) in accordance with seniority /



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ranking in the selection, based on the representation submitted by the petitioners dated 31.12.2020 & 04.01.2021, within a time frame fixed by this Court.

2.The Petitioners who are said to have been selected for the post of Computer Instructor Grade-I (PG Cadre) could not join duty, because it is found that they have completed both B.Ed., and M.C.A., degree at a same time.

3.V.P.R.Elamparuthi, the learned Additional Govt. Pleader, submitted that the Petitioners are not supposed to do two degrees at a same time and it is not accepted for Government appointment.

4. Mr.S.Nedunchezhiyan, the learned counsel for the Petitioners, attracted attention of this Court to the Division Bench judgment of this Court made in W.P.No.1098 of 2012, wherein it is held as under:

“7.As adverted to earlier, the specific relief sought in the Writ Petition is to recognize the degrees, viz., B.A., and B.Ed., obtained by the Petitioner simultaneously from Periyar University as well as Annamalai University. Of course, it is



true that B.A.Degree has been obtained by the Petitioner/Respondent through correspondence course in Annamalai University.

8.In fact, this Court has perused the reply given by the Madras University, wherein it has been simply stated that so far two degrees obtained in the same year have not been recognized. In fact, the Madras University has not specifically stated any Rule, which prohibits recognition”

5. Even the counter affidavit of the Respondent does not specify which rule prohibits the approval of obtaining two degrees by the candidate at a same time.

6. However, learned Additional Government Pleader for the Respondents submitted that as per G.O.Ms.No.361, School Education Department dated 31.12.1999, candidates who obtained any of the required qualification, simultaneously are not eligible to apply for the recruitment.

7. The learned counsel for the Petitioner submitted that after the Petitioners joined M.C.A. degree in distance education mode in the year 2009 (academic year 2009-2011), 2008 (academic year 2008-2011) & 2013 (academic year 2013-2015) respectively, they had completed B.Ed., on



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regular basis during the academic years 2010-2011, 2009-2010 & 2014-2015 respectively.

8. Since the Petitioners have studied B.Ed. Degree in regular mode and had joined M.C.A. Degree in distance education mode, it seems that they have completed both the courses at a same time. Since the Petitioners had joined M.C.A. degree in distance education mode and thereafter joined B.Ed., in regular mode, there was a contradiction. The impugned order has been given without verifying the facts correctly.

9. Accordingly, these Writ Petitions are disposed with a direction to the respondents to consider the representation of the petitioners dated 31.12.2020 & 04.0.2021 and pass orders by issuing placement / posting orders to the petitioner for the post of Computer Instructor Grade-I (Post Graduate Cadre) in accordance with seniority / ranking in the selection, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.01.2024



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Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To:

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1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
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R.N.MANJULA ,J.

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