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W.P.No.21620 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.21620 of 2012

V.Seshadri

....Petitioner

Vs

The Chairman
Teacher Recruitment Board,
College Road, Chennai-6

....Responden

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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records on the file of the respondents in so far as non selection of the petitioner in Roll No.D11290001 to the post of Telugu Pandit and quash the same as illegal, incompetent and without jurisdiction and quash the same.

For Petitioner : Mr.Sunny Sheen
for M/s. V.Srimathi

For Respondent : Mr.R.Neelakandan
Additional Advocate General
Asst. by Mr.C.Kathiravan



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ORDER

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The Writ Petition has been filed to call for the records on the file of the respondents in so far as non selection of the petitioner in Roll No.D11290001 to the post of Telugu Pandit and quash the same as illegal, incompetent and without jurisdiction and quash the same.

2. The learned Counsel appearing for the petitioner submitted that, petitioner underwent studies in oriental learning from Sree Venkateswara University taking Telugu as a main subject and Sanskrit as subsidiary and passed the examination in 1991. He was conferred with degree in Telugu Vidwan on 07.02.1992. He registered his name with the Employment Exchange, Hosur on 25.05.1992. The Government of Tamil Naud initiated the process of selection for the post of Telugu Vidwan based on seniority in registration with the Employment Exchange. Respondent selected C.Nirmala and V.Sampangi Ramaiah as Secondary Grade Teacher, though, they were registered in Employment Exchange in later point of time. When enquired, it was informed that, since he did not posses a pass in 9th std, he was disqualified. A pass in 9th Std is not necessary for the post of Telugu Vidwan. In the said circumstances, this Writ Petition is filed.



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3. In reply, to this submission, the learned counsel for the respondent submitted that, as per G.O.Ms.No.107 dated 18.08.2009, a pass in 12th std is necessary. Acquisition of degree without possession of Higher Secondary shall not be considered on par with the persons having passed degree after Higher Secondary, for the purpose of appointment in Public Services or for promotion in public services. C.Nirmala and V.Sampangi Ramaiah have passed 10+2 and the necessary course in Telugu and therefore, they were appointed. Since, petitioner has not passed 10+2, his candidature was not considered.

4. Considered the rival submissions and perused the records. It is seen from the submissions of the learned counsel appearing for the parties that the issue is whether the person who got appointed as Telugu Vidwan is required to pass Higher Secondary (+2). In G.O.Ms.No.107 dated 18.08.2009, it is stated as follows:

In the G.O. 1st read above, orders were issued recognising the Diploma, Degree and Post Graduation course offered by Open Universities on par with the Diploma, Degree and Post Graduation Courses conducted by Regular Stream for the purpose of appointment in public services.



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In the letter in reference 2nd cited Chief General Manager, BSNL, Tamil Nadu circle has sought a clarification as to whether, in cases where a pass in Higher Secondary Examination is prescribed as minimum Educational Qualification, persons without possessing Higher Secondary (+2) qualification and obtain degree / in Bachelor of Science, and Bachelor of Arts etc., may be considered on par with those who possess Higher Secondary education.

Secretary, Tamil Nadu Public Service Commission, has been requested to get the recommendation of Equivalence Committee on the above proposal. The Equivalence committee has recommended that persons having obtained degree in B.Sc., B.A. etc., without possession of Higher Secondary +2) shall not be considered on par with the persons having passed +2 (Higher Secondary course) for the purpose of appointment in Public Services or for promotion in Public services.

The Equivalence Committee once again reiterated its stand after examining the proposal resubmitted by Government.

The above recommendations were carefully examined



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by Government and accordingly Government accepted the recommendations of Equivalence Committee and issue orders, that the Diplomas /Degrees/ Post Graduation after possession of Xth std., Higher Secondary (+2) obtained through Open Universities alone considered for appointment/ promotion in Public Services."

As per this G.O, it is clear that, without passing Higher Secondary (+2), possession of B.Sc., B.A. Etc., degrees shall not be considered for the purpose of appointment in Public Services or for promotion in Public services. Admittedly, petitioner has not passed Higher Secondary (+2), where as, the case of the respondent is that, said C.Nirmala and V.Sampangi Ramaiah had passed Higher Secondary (+2) and then the necessary Telugu Course and therefore, they were selected. In the said circumstances, this Court finds there is no merits in this petition.

5. Accordingly, this Writ Petition is dismissed. No costs.

02.04.2024

Index :Yes/No
Internet:Yes/No
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G.CHANDRASEKHARAN, J
Sma

To

The Chairman
Teacher Recruitment Board,
College Road, Chennai-6

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