



W.P.No.34916 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.34916 of 2012

and

M.P.Nos.1&2 of 2012

R.Kohila

....Petitioner

Vs

- 1.The Government of Tamilnadu,
Rep. By the Secretary
School Education,
Fort St.George,
Chennai – 600 009.
2. The Teachers Recruitment Board,
Represented by its Chairman,
4th Floor,
E.V.K.Sampath Malligai,
DIP Compound,
College Road,
Chennai – 600 006
3. National Council for Teacher Education,
Represented by Member Secretary,
Wing II, Hans Bhavan,
1, Bahadur Shah Zafar Marg,
New Delhi 11002.

....Respondents



W.P.No.34916 of 2012

WEB COPY

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records relating to the 2nd respondent order dated 05.12.2012 (Petitioner's Roll No.12TE23460369) and quash the same and consequently direct the respondents to select the petitioner to to the post of Graduate Assistant.

For Petitioner : M/s.K.Sakthivel

For R1 : Mr.M.Rajendran
Additional Government Pleader

For R2 : Mr.K.Satish Kumar for TRB cases

For R3 : Mr.J.Hari Krishnan for NCTE cases

ORDER

The Writ Petition has been filed to call for the records relating to the 2nd respondent order dated 05.12.2012 and quash the same and consequently direct the respondents to select the petitioner to to the post of Graduate Assistant.



W.P.No.34916 of 2012

2. The case of the petitioner is that, petitioner completed B.Sc Computer Science in Periyar University in the year 2002. She had completed B.Ed in the same University in the year 2008. The Second Respondent issued a notification for TamilNadu Teacher Eligibility Test, 2012 calling for applications from all those candidates with minimum qualification. Petitioner appeared for examination on 03.06.2012, but she could not secure minimum 60% of eligibility marks and therefore, she was not declared pass. Subsequently, supplementary examination was notified and petitioner appeared for supplementary examination on 14.10.2012 and petitioner obtained 100 out of 150 marks and she was declared pass in the Teacher Eligibility Test. However, during the certificate verification on 06.12.2012, on going through the original certificates, she was informed that, she did not pass the bachelor degree required for the post of Graduate Assistant. In the said circumstances, this Writ Petition is filed.

3. It is the submission of the learned counsel for the petitioner that, notification only says that, B.A/B.Sc/B.Lit with Tamil English, Mathematics, Physics, Chemistry, Botany, Zoology or a degree with anyone of the equivalent subjects from the recognized university and thus rejecting of her



W.P.No.34916 of 2012

application on the ground that she had only B.Sc (Computer Science) and not B.A/B.Sc/B.Lit with Tamil English, Mathematics, Physics, Chemistry, Botany, Zoology is not appropriate. Therefore, this Writ Petition is filed.

4. In reply, the learned counsel for the 2nd respondent submitted that, B.Sc (Computer Science) is not one of the subjects prescribed as minimum qualification for the post of Graduate Assistant. Therefore, petitioner's application was rejected. In a similar case in W.P.No.34462 of 2012, this Court on 19.01.2024, dismissed the claim of the petitioner therein holding that, petitioner did not possess the required qualification.

5. Considered the rival submissions and perused the records. It is seen from the affidavit that, prescribed qualification for the appointment to the post of Graduate Assistant is as follows:

“ Candidates who have passed a Bachelor's Degree (B.A./B.Sc/B.Litt) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology or a degree with anyone of the equivalent subjects from a recognized university under 10 + 2+3 pattern and a Degree in Teacher Education (B.Ed) from a “Recognized University”.



W.P.No.34916 of 2012

WEB COPY

This qualification makes it clear that, candidates who have passed a Bachelor's Degree (B.A./B.Sc/B.Litt) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology or a degree with anyone of the equivalent subjects from a Recognized University are eligible for the post of Graduate Assistant. Admittedly, petitioner possessed B.Sc (Computer Science) and there is no material produced to show that B.S.C (Computer Science) is equivalent to Bachelor's Degree (B.A./B.Sc/B.Litt) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology. In the said circumstances, petitioner's claim that, she should be considered for the post of Graduate Assistant cannot be accepted. This view is taken by this Court in W.P.No.34462 of 2012, wherein, this Court dismissed the claim of the petitioner therein. The relevant portion of the order is extracted hereunder.

11. In view of Clause 3 of the above notification, the petitioner-s subject namely, Computer Science is not included in the subjects mentioned therein since the petitioner has obtained the Bachelor-s degree in Computer Science, which is not equivalent to any one of the equivalent subjects. As per Clause 3 of the notification it is mandatory that the



W.P.No.34916 of 2012

WEB COPY

candidate must possess a Bachelor-s degree in any one of the the subjects mentioned to appear in the TET examination conducted by the respondent Board which is a nodal agency for conducting the same, as per the notification of the NCTE and the Government orders MS.No.181 School Education C2 Department dated 15.11.2011 and G.O.No.100 School Education (Q2) Department dated 10.08.2004. The petitioner admittedly passed the Bachelor degree in Computer Science. Hence she is not eligible to be appointed as BT Assistant in Government Middle, High and Higher Secondary Schools. It is pertinent to note that only at the time of verification of the certificates, it was found that the petitioner has done graduation in Computer Science, which is not included in the subjects under Clause 3 of the notification dated 07.03.2012 issued by the respondent Board. Further, it is also pertinent to note that the petitioner was permitted to write the TNTET Paper II as per the information furnished by her in the OMR application and subsequently she was called for the certificate verification on 07.11.2012. The candidates are not required to send the copies of the certificates along with OMR application form relating to Teachers Eligibility Test (TET). Hence it was not possible for the respondent Board to verify the educational qualification of the petitioner and the same can be found only at the time of verification of the certificates



W.P.No.34916 of 2012

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which was done in the case of the petitioner.

12. In view of the above factual matrix of the case, this Court is not inclined to interfere with the impugned publication in the website <http://trb.tn.nic.in/TET2012/05122012D/status> made by the respondent Board so far as the petitioner is concerned.

13. In the result, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

6. As already stated, petitioner has no requisite minimum qualification and therefore, rejection of her application cannot be faulted. Now, selection process is over and eligible candidates were appointed. In the said circumstances, this Court finds no merits in this petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.04.2024

Index :Yes/No
Internet:Yes/No
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W.P.No.34916 of 2012

G.CHANDRASEKHARAN, J

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To

- 1.The Government of Tamilnadu,
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W.P.No.34916 of 2012

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