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W.P.No.35104 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.35104 of 2012

and

M.P.No.2 of 2012

S.P.Kalpana

... Petitioner

Vs.

1. The Government of Tamil Nadu,
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 Maligai,
DPI 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-110 002.
- ... 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 relating to the 2nd respondent order dated 05.12.2012 the petitioner Roll in No.12TE23455072 and quash the same and consequently direct the



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respondents to select the petitioner to the post of Graduate Assistant.

For Petitioner : Mr.K.Sakthivel

For Respondents : Mr.T.M.Rajangam
Govt.Advocate [R1]

: Mr.R.Siddharth [R2]
Standing Counsel for TRB

: Mr.J.Harikrishna [R3]

ORDER

The order dated 05.12.2012 in respect of the petitioner's Roll No.12TE23455072 passed by the 2nd respondent is under challenge.

2. The petitioner S.P.Kalpana, W/o.Rameshkumar, submits that she has completed B.Sc., Computer Science in the year 1994 and completed her B.Ed., degree in the year 2008. Her name is also registered in the employment exchange at Krishnagiri in the year 2009.

3. The petitioner further submits that the 3rd respondent notified minimum qualification by way of notification dated 23.08.2010, wherein, the minimum qualification for a person to be eligible for appointment as a teacher in classes VI to VIII is given hereunder:

ii. Classes VI-VIII



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(a) B.A., / B.Sc., and 2 year Diploma in Elementary Education
(by Whatever name known)

OR

B.A./B.Sc., with at least 50% marks and 1 year Bachelor in
Education (B.Ed.,)

OR

BA/B.Sc. with atleast 45% marks and 1 year Bachelor in
Education (B.Ed), in accordance with the NCTE (Recognition
norms and procedure) Regulations issued from time to time
in this regard.

OR

Senior Secondary (or its equivalent) with at least 50% marks
and 4 year Bachelor in Elementary Education (B.El.Ed)
Senior Secondary (or its equivalent) with at least 50% marks
and 4 years BA/B.Sc. Ed or B.A. Ed/B.Sc., Ed

OR

BA/B.Sc with at least 50% marks and 1 year B.Ed(Special
Education)

AND

(b) Pass in the Teacher Eligibility Test (TET) to be conducted by
the appropriate Government in accordance with the Guidelines
framed by the NCTE for the purpose".

4. Subsequently, the 3rd respondent by way of notification dated
29.07.2011 substituted the following qualifications in respect of a teacher
for classes VI to VIII:

"(II) for sub para (ii) of para 1 of the principal notification, the following



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shall be substituted, namely

1 (ii) class VI-VIII

(a) Graduation and 2 year diploma in Elementary Education (by whatever name known)

OR

Graduation with at least 50% marks and 1 year Bachelor in education (B.Ed)

OR

Graduation with at least 45% marks and 1 year Bachelor in Education (B.Ed) in accordance with the NCTE (Recognition Norms and procedure) Regulations issued from time to time in this regard

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B.El.Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.A/B.Sc.Ed/B.Sc.,Ed

OR

Graduation with at least 50% marks and 1 year B.Ed (Special education)

AND

(b) Pass in Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.



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5. The petitioner would submit that the 3rd respondent included B.Com., as a minimum qualification to appear in the Teacher Eligibility Test examination as per the 3rd respondent's letter dated 04.05.2011. As per the notification issued by the 2nd respondent, she applied for the examination and appeared on 03.06.2012. Since she has not attained minimum 60% eligibility marks, she was not declared pass in the said examination. At the instance of the 1st respondent, a supplementary test was notified and a new Roll number was assigned to her 12TE23455072 and she applied in the supplementary test held on 14.10.2012 and it has been declared that she has passed in the Teacher Eligibility Test. The 2nd respondent has called for certificate verification on 06.11.2012. Without assigning any reason, the 2nd respondent returned all her certificates and she was informed that her application would not be further processed and she came to know that her application was rejected, at the stage of certificate verification, on the reason that her bachelor degree certificate in Computer Science was not treated as equivalent to any one of the special subjects in the prospectus issued in respect of Tamil Nadu Teacher Eligibility Test, 2012. Aggrieved the same, the petitioner is before this Court by way of this writ petition.



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6. Heard Mr.K.Sakthivel, learned counsel appearing for the petitioner and Mr.T.M.Rajangam, learned counsel appearing for the 1st respondent and Mr.R.Siddharth, learned Standing counsel appearing for the 2nd respondent / TRB and Mr.J.Harikrishna, learned Standing Counsel appearing for the 3rd respondent / NCTE.

7. The learned counsel appearing for the petitioner strenuously contended that as per Section 23 of The Right of Children to Free and Compulsory Education Act, 2009, qualifications as mentioned supra for the post have to be prescribed by the National Council for Teacher Education (NCTE). The 2nd respondent is the only nodal agency is empowered to effect any changes. He took this Court to the provisions of The Right of Children to Free and Compulsory Education Act, 2009 and the connected Rules 17 and 18. He would also further contend that as the petitioner was permitted to write Teacher Eligibility Test and called for certificate verification and thereafter, the Teachers Recruitment Board should not turn around and state that the degree that is obtained by the petitioner namely B.Sc., (Computer Science) degree is not a prescribed qualification.



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8. Mr.R.Siddharth, learned Standing Counsel appearing for Teachers Recruitment Board would strenuously argue that as per the notification, the candidates who have passed a Bachelor's Degree namely (B.A./B.Sc./B.Litt.) with Tamil, English, Maths, Physics, Chemistry, Botany, Zoology, History and Geography or a degree with anyone of the equivalent subjects from a recognised university under 10 + 2 + 3 pattern and a Degree in Teacher Education (B.Ed.) from a Recognised University and the candidates who were seeking appointment as teachers for classes VI to VIII can alone appear for the said exam.

9. Mr.Harikrishna, learned standing counsel for NCTE also would vehemently contend that as per the prescribed qualification given in the notification of Teachers Recruitment Board, the petitioner herein has completed only B.Sc., (Computer Science) degree is totally not qualified to apply for the post.

10. The petitioner who had completed B.Sc., degree in Computer Science with B.Ed., degree had applied for Teacher Eligibility Test for the



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appointment of Teacher in Class VI to VIII. For proper understanding and for proper appreciation, it is relevant to extract the notification details published by Teachers Recruitment Board are as under:

"Candidates who have passed Higher Secondary Course (10+2 Pattern) and Diploma in Teacher Education in a Recognized Teacher Training Institute / DIET and seeking an appointment as Teacher for classes I to V (except Visually Impaired Candidates) can write Paper I.

Candidates who have passed a Bachelor's Degree (B.A. /B.Sc. / B.Litt.) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography or a Degree with any one 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 and seeking an appointment as Teacher for classes VI to VIII can write Paper II.

Candidates appearing for the Final Year Examination of D.T.Ed. / B.Ed. during the current Academic Year are also eligible to appear for the Teacher Eligibility Test."

11. The moot question is whether B.Sc.,(Computer Science) is equivalent to a degree with anyone of the equivalent subjects as



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prescribed in the prospectus or not. In the eligibility criteria, the candidates who have passed Bachelor Degree in (B.A./B.Sc./B.Litt) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography or degree with any one of the equivalent subjects from a recognised University under 10+2+3 pattern along with a degree in teacher education from a recognised University are alone eligible to right Teacher Eligibility Test. The petitioner has completed B.Sc., (Computer Science) degree. The said subject is not mentioned in the above said details, and B.Sc., (Computer Science) degree cannot be taken as equivalent subject to the above said subjects. When that be the case, the petitioner has appeared for the Teacher Eligibility Test.

12. It is also brought to the notice of this Court that in the OMR application, the candidates are not required to enclose the degree certificate, and only at the time of certificate verification, it was known to the 2nd respondent that the petitioner having completed her B.Sc., degree in Computer Science and appeared for the exam.

13. When the petitioner has not completed Bachelor Degree in the above said subjects, having completed her Bachelor Degree in



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Computer Science, and wrongly applied and appeared in Teacher Eligibility Test.

14. In the given circumstances, if at all any grievance is felt on the part of the petitioner, she should have challenged the notification of the 2nd respondent at the earliest.

15. In fine, based on the aforesaid discussions, as the petitioner is failed to make out a case, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.06.2024

Index : Yes / No
Neutral Citation Case : Yes / No
Speaking Order / Non-Speaking Order
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To

1. The Secretary,
Government of Tamil Nadu,
School Education,
Fort St. George,
Chennai-600 009.
2. The Chairman,
Teachers Recruitment Board,
Represented by its
4th Floor, E.V.K.Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.
3. The Member Secretary,
National Council for Teacher Education,
Wing II, Hans Bhavan,
1, Bahadur Shah Zafar Marg,
New Delhi-110 002.

R.KALAIMATHI, J.,

ssn



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