



W.P.No.13994 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

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**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.13994 of 2020**

G.Jagadeeswari

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep by its Secretary to Government,  
Higher Education (K2) Department,  
Fort St. George, Chennai 600 009.

2.The Director of School Education,  
Directorate of School Education,  
DPI Campus, College Road,  
Chennai 600 006.

3.Teachers Recruitment Board,  
Rep by the Chairman,  
4<sup>th</sup> Floor, EVK Sampath Maaligai,  
College Road,  
Chennai 600 006.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 2 and 3 to call for the petitioner for counseling within a time frame to be fixed by this Court and soon thereafter appoint the petitioner as BT Assistant in



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Chemistry in the single vacancy available in the post of BT Assistant in Chemistry in the Government Middle School or Government High School in the city of Chennai.

For Petitioner : Mrs.Nalini Chidambaram, Sr. Counsel  
for M/s.C.Uma

For Respondents : Mr.P.Gurunathan, AGP for R1 & R2  
Mr.R.Siddharth for R3

### **ORDER**

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to call for the petitioner for counseling within a time frame to be fixed by this Court and thereafter appoint the petitioner as BT Assistant in Chemistry in the single vacancy available in the post of BT Assistant in Chemistry in the Government Middle School or Government High School in the city of Chennai.

2. Heard Mrs.Nalini Chidambaram, learned Senior Counsel for the petitioner, Mr.Mr.P.Gurunathan, learned Additional Government Pleader for R1 & R2 and Mr.R.Siddharth, learned counsel for R3.



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3. The petitioner wrote TET for the year 2012 and secured 90 marks out of 150 marks. She was called for Certificate Verification and at the time of Certificate Verification, she was informed that her degree in B.Sc (Applied Chemistry) is not equivalent to B.Sc.(Chemistry). However, there is no quarrel about her P.G.Degree which she had secured in Chemistry. The petitioner's grievance is that she has to be posted as B.T.Assistant (Chemistry) for the notification relates to the year 2012.

4. The learned Senior Counsel for the petitioner submitted that in the year 2019, a Government Order has been issued in G.O.Ms.No.65, Higher Education (K2) Department dated 24.04.2019, to consider the B.Sc (Applied Chemistry) are equivalent to B.Sc(Chemistry). That would relate back to the year in which the petitioner had secured B.Sc(Applied Chemistry). Once the degree is considered as equivalent, there cannot be any date attached to this equivalence. By virtue of G.O.Ms.No.65 dated 24.04.2019, the petitioner's graduate degree in B.Sc (Applied Chemistry) can be considered to be equivalent to B.Sc. (Chemistry). Since the petitioner has not been given any appointment, she had filed W.P.No.219



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of 2020 and in which an order has been passed on 07.01.2020 to accommodate the petitioner in any subsequent vacancies. Paragraph No.5 of the above order is extracted hereunder:

*"5. Taking into consideration the facts and circumstances of the case, the relief as sought for by the petitioner cannot be granted by this Court. It is reported that all the posts of BT Assistant has already been filled up and there is no vacancy. If at all, the petitioner wants to take advantage of the Government Order, it can be done only as and when any invitation is given by the respondent at a future point of time."*

5. However the petitioner has not been given with the appointment due to the reason of no vacancy. The information obtained by the petitioner through Right to Information Act would show that there is one vacancy in the post of B.T.Assistant. Since the petitioner has got the qualifying marks in TET for the year 2012 and her appointment has been stopped only in view of the doubt as to the equivalence of B.Sc (Applied Chemistry), this Court has given an order in favour of the petitioner to consider her claim for future vacancies.



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6. Now the learned Additional Government Pleader for the respondents 1 and 2 submitted that the petitioner had obtained dual degree in the year 2012 and she had done M.Sc (Chemistry) as well as B.Ed in one and the same time and so, that cannot be considered.

7. But this point has never been raised. Even during the hearing of the Writ Petition filed by the petitioner in W.P.No.219 of 2020 the said point was not raised. Neither the order passed in the said Writ Petition has been complied by the respondents. So it is for the respondents to comply the order of this Court and accommodate the petitioner in the existing vacancy. It might be true that the petitioner had participated in the subsequent TET, but it does not steal away the benefit of the earlier direction in her favour in W.P.No.219 of 2020.

8. In view of the above stated reasons, this Writ Petition is disposed and the respondents are directed to consider the claim of the petitioner for appointment in the post of B.T.Assistant in the available



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vacancy as furnished in their own information in RTI letter and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

**28.02.2024**

Index : Yes /No  
Internet : Yes/No  
Speaking / Non-speaking  
Neutral Citation : Yes / No  
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To

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- 1.The Secretary to Government,  
Higher Education (K2) Department,  
Fort St. George, Chennai 600 009.
- 2.The Director of School Education,  
Directorate of School Education,  
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3. The Chairman,  
Teachers Recruitment Board,  
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**R.N.MANJULA, J.**

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