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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.15518 & 22666 of 2024
and W.M.P.No.24961, 16872, 16875 & 24689 of 2024

C.Chelva Chaundarya Devi

... Petitioner
in both W.Ps

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600 009.

2.Teachers Recruitment Board,

Rep. by its Secretary,
3rd and 4th Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai – 600 006.

3.The Director of School Education,

Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.

... Respondents
in both W.Ps



Prayer in W.P.No.15518 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the G.O.Ms.No.36, Higher Education (K1) Department, dated 15.02.2023 issued by the 1st respondent and quash Resolution No.35 of the said Government order and consequently issue a direction to the 2nd and 3rd respondents to select and appoint the petitioner for the post of BT Assistant in Physics pursuant to Notification No.03/2023 dated 25.10.2023 referring to G.O.Ms.No.52, Personnel and Administrative Reforms (R) Department, dated 31.01.1996 and G.O.Ms.No.56, Higher Education (K2) Department dated 24.04.2012.

Prayer in W.P.No.22666 of 2024: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the ineligible list dated 22.07.2023 for the subject Physics issued by the 2nd respondent in so far as the name of the petitioner is included in Serial No.2 of the ineligible list and quash the same and consequently direct the 2nd respondent to include the name of the petitioner in the Provisional Selection List for the Direct Recruitment for the post of BT Assistant (Physics) pursuant to Notification No.03/2023 dated 25.10.2023 along with the remark withheld due to court case.



For Petitioner : Mrs.Nalini Chidambaram
Senior Counsel for
Ms.C.Uma

For Respondents : Mr.D.Ravichander
Special Government Pleader for R1

Mr.R.Neelakandan
Additional Advocate General
assisted by
Mr.C.Kathiravan
Special Government Pleader for R2

Mr.P.Rajaraheshwari
Government Advocate for R3

ORDER

Both the writ petitions are taken up together, heard and disposed of through this common order.

2.W.P.No.15518 of 2024 has been filed challenging the G.O.Ms.No.36, dated 15.02.2023, issued by the 1st respondent confining to S.No.35 of the said Government Order and for a consequential direction to the 2nd and 3rd respondents to select and appoint the petitioner to the post of B.T Assistant in Physics pursuant to the notification dated 25.10.2023 issued by the 2nd respondent.



3.W.P.No.22666 of 2024 has been filed challenging the ineligible list, dated 22.07.2024, issued by the 2nd respondent insofar as the inclusion of the name of the petitioner in S.No.2 in that list and for a consequential direction to consider the candidature of the petitioner and add her name in the provisional selection list.

4.The case of the petitioner is that she underwent B.Sc., in Special Education Rehabilitation and Physics in Avinashilingam University for Women, Coimbatore during the period from 2004-2007. After completing the same, the petitioner underwent B.Ed., course with Special Education and Physical Science as optional subject during the period 2007-2008 in the same institution. The petitioner also secured a Masters degree in Physics during the year 2010.

5.The further case of the petitioner is that she has also passed TNTET during the year 2023.

6.A notification was issued by the 2nd respondent dated 25.10.2023, calling for applications for direct recruitment of Graduate Teachers/BRTE-2023. The petitioner made an application and wrote the competitive examination and secured



101.50 marks. She applied for B.T. Assistant (Physics). The petitioner was called for certificate verification by the 2nd respondent on 31.05.2024.

7. During certificate verification, the 2nd respondent informed the petitioner that the Government has passed G.O.Ms.No.36, dated 15.02.2023 and in S.No.35 of this Government Order, it has been stated that the B.Sc., Special Education and Rehabilitation and Physics offered by Avinashilingam Institute is not equivalent to B.Sc., Physics for the purpose of employment in public services. In view of the same, the Government Order has been put to challenge in W.P.No.15518 of 2024.

8. Thereafter, the 2nd respondent published the list of ineligible candidates for Physics on 22.07.2024. The name of the petitioner is added in S.No.2. The same has been challenged in W.P.No.22666 of 2024.

9. The 2nd respondent has filed separate counter affidavits. The 2nd respondent has taken a stand that the under graduation degree obtained by the petitioner is not equivalent to B.Sc., Physics for the purpose of employment in public services. Therefore, without an equivalence Government Order, the candidature of the



petitioner cannot be considered. In view of the same, the name of the petitioner was included in the ineligible list. Accordingly, the respondents have taken a stand that the petitioner does not possess the requisite educational qualification and therefore, she is not entitled to be considered for selection and appointment as B.T. Assistant (Physics). The respondents have therefore, sought for the dismissal of this writ petition.

10. Heard Mrs. Nalini Chidambaram, learned Senior Counsel appearing on behalf of the petitioner, Mr. D. Ravichander, learned Special Government Pleader appearing on behalf of the 1st respondent, Mr. R. Neelakandan, learned Additional Advocate General appearing on behalf of the 2nd respondent and Mr. P. Rajaragheshwari, learned Government Advocate appearing on behalf of the 3rd respondent.

11. The short issue that arises for consideration in the present writ petitions is as to whether the under graduation and the B.Ed., degree obtained by the petitioner from Avinashilingam University for Women can be considered to be a valid degree to enable the petitioner to be considered for selection and appointment to the post



of B.T. Assistant (Physics).

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12.G.O.Ms.No.52, dated 31.01.1996 was issued by the Government of Tamil Nadu. It has been specifically stated in this Government Order that B.A., B.Sc., B.Com., B.Ed., etc., degree courses conducted by Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore will be recognised for the purpose of employment in public services. This Government Order does not specifically deal with any specialised subject and it generally states that all the above degrees will be recognised for the purpose of employment in public services. Thus, the Government Order was very widely worded.

13. There was a subsequent order issued in G.O.Ms.No.56, dated 24.04.2012. This Government Order stated that B.Ed., (Special Education) course awarded by any University will be considered to be equivalent to B.Ed., (General Education) for the purpose of employment in public services.

14. The notification issued by the 2nd respondent dated 25.10.2023 states that a candidate must possess the qualification of graduation with at least 50% marks and B.Ed., (Special Education). As per G.O.Ms.No.36, dated 15.02.2023 and particularly in Item No.35 it has been mentioned that B.Sc., Special Education and



Rehabilitation and Physics offered by Avinashilingam Institute for Home Science and Higher Education for Women is not equivalent to B.Sc., Physics for the purpose of employment in public services.

15.The issue involved is as to whether this Government Order issued in G.O.Ms.No.36, dated 15.02.2023, will supplant the earlier Government Order and will take away the benefit acquired in the earlier Government Order.

16.The above issue is no longer *res integra* and it has been dealt with in detail in W.P.No.23520 of 2024, dated 21.08.2024. This Court considered the degree that was given by the University of Calicut which was considered to be equivalent by an earlier Government Order. A later Government Order was issued in the year 2022, wherein, it was stated that the earlier Under Graduation received from University of Calicut is not equivalent. This Court held that the later Government Order can have only a prospective effect. This Court in order to arrive at such a finding relied upon the judgment of the Division Bench in W.A.No.166 of 2024, dated 12.07.2024.



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17.The above judgment will squarely apply to the facts of the present case.

The advantage that enured in favour of the petitioner by virtue of G.O.Ms.No.52, dated 31.01.1996 cannot be taken away by the subsequent Government Order that was issued in G.O.Ms.No.36, dated 15.02.2023.

18.The next issue is as to whether the Under Graduation Degree and B.Ed., Degree obtained by the petitioner requires an equivalence certificate.

19.It was contended that the petitioner had completed B.Sc., in Special Education and Rehabilitation and Physics. Likewise, the petitioner has completed B.Ed., in Special Education and Physical Science. Both these degrees were granted by the Avinashilingam Institute for Home Science and Higher Education for Women. The earlier Government Order in G.O.Ms.No.56, dated 24.04.2012, did not specifically mention about these specialities that are found in the degree certificate. Therefore, it was argued that the petitioner cannot take advantage of G.O.Ms.No.52, dated 31.01.1996. This is more particularly due to the fact that G.O.Ms.No.36, specifically deals with the specialization mentioned in the B.Sc., certificate.



20. In the considered view of this Court, the earlier Government Order that was issued in G.O.Ms.No.52, dated 31.01.1996 is very widely worded and it did not confine itself to any specialisation and broadly covered any specialisation granted in B.A., B.Sc., B.Ed., etc., In view of the same, the Under Graduation degree that has been obtained by the petitioner must be considered to be equivalent to B.Sc., Physics for the purpose of employment in public services.

21. In the same way, the B.Ed., degree obtained by the petitioner is not only covered under G.O.Ms.No.52, dated 31.01.1996, it is also covered under the subsequent Government Order in G.O.Ms.No.56, dated 24.04.2012. Therefore, the same must be considered to be equivalent to B.Ed., (Special Education).

22. In the light of the above discussion, this Court holds that the petitioner has the necessary educational qualification and it is not necessary for the petitioner to get an equivalence as per G.O.Ms.No.36, dated 15.02.2023 which only has a prospective effect. As a consequence, the name of the petitioner should be brought within the eligible candidates list and should be considered for appointment to the post of B.T. Assistant (Physics), if she is otherwise qualified, forthwith.



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23. Both the writ petitions are disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petitions are closed.

05.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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To

1. The Principal Secretary to Government,
State of Tamil Nadu
Higher Education Department,
Fort St. George, Chennai – 600 009.
2. The Secretary,
Teachers Recruitment Board,
3rd and 4th Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai – 600 006.
3. The Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
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N. ANAND VENKATESH, J.

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