



W.P.No.20777 of 2014,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.20777 of 2014

and

W.M.P.No.4698 of 2017

and

M.P.Nos.1 & 2 of 2014

P.Dhanasekaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personal and Administrative Department,
St. George Fort,
Chennai-9.

2.The Teachers Recruitment Board
Rep. by its Chairman,
E.V.K. Sampath Maligai,
4th Floor, College Road,
Chennai-6.

3. Director of School Education,
DPI Complex, College Road,
Chennai-6.

...Respondents



Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the website publication of result by the teachers recruitment board in regard to Tamil Nadu Teachers Eligibility Test Examination 2013 as published on 15.7.2014 and to quash the result in respect of the petitioner in TNTET Roll No.13TE32201444 and consequently direct the respondents to appoint the petitioner as School Assistant in the existing vacancy.

For Petitioner : M/s.A.Durai Eswar
For Respondents :
(for R1 & R3) : M/s.Rajarajeswari, Govt. Advocate
(for R2) : M/s. K.Satish Kumar,
Stranding Counsel

ORDER

Questioning the non-inclusion of the petitioner's name in the selection list published for the post of School Assistant, the petitioner is before this Court.



2. It is the case of the petitioner that he had undergone a regular course of study up to 10+2 standard. He had appeared for the 10+2 Examination in March 1994. However, he failed to clear the Mathematics paper. Thereafter, he had passed the Mathematics paper only in March 2008.

3. The petitioner had in the meanwhile obtained a B.A. Degree in History through distance education in the year 1998 and had completed his PG in History in May 2013 from the same university, namely, Annamalai University. He had also obtained his PG Diploma in Cooperative Management in 1999 from the very same university. After having obtained all his degrees, he had passed the 10+2 Mathematics paper in March 2008. Thereafter, he had joined B.Ed. Course and completed the said degree during the academic year 2009-10. Therefore, he became eligible to be appointed as a School Assistant which comes within the purview of the Teachers Recruitment Board. The petitioner would submit that he belongs to the Most Backward Community. The petitioner had studied the aforementioned courses in Tamil Medium.



W.P.No.20777 of 2014.

4. Meanwhile, the 2nd respondent had issued a notification calling for applications for the post of School Assistant. The petitioner had applied for the said post and appeared for the TET examination (Tamil Nadu Teachers Eligibility Examination) held on 18.08.2013. He was declared as pass and was called for certificate verification on 07.05.2014. The petitioner had also submitted all his documents for verification. However, when the selection list was published it was seen that the petitioner who was otherwise fully qualified had been disqualified only on the ground that he was ineligible on account of not passing the Higher Secondary Course before pursuing the other Degree courses through distance education. Aggrieved by the same, the petitioner is before this Court.

5. The learned counsel for the petitioner would submit that this rejection is contrary to the respondent's instructions in GO.(Ms). No.107, Personnel and Administrative Reforms Department, dated 18.08.2009. However, a perusal of the said Government Order would show that this Government Order was issued to clarify that the degrees obtained through distance education should be treated on par



W.P.No.20777 of 2014,

with the degrees obtained in the regular stream for public employment.

In the said order it has been made clear that these degrees have to be obtained after the candidate passes his 10+2 examination. This Government Order would definitely not come to the rescue of the petitioner.

6. Admittedly, the petitioner has cleared his 10+2 examination only in the year 2008 whereas he had obtained his B.A. Degree 10 years prior to that and therefore the disqualification is very much in order and consequently, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

12.07.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



W.P.No.20777 of 2014.

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