



W.P.No.20517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20517 of 2024
and W.M.P.No.22463 of 2024

T.Ramesh Kumar

... Petitioner

-Vs-

1. The Secretary to Government of Tamil Nadu,
represented by School Educational Department,
Fort St.George, Chennai – 600 009.

2. The Director of School Education,
Office of DPI Campus,
College Road, Nungambakkam,
Chennai – 600 090.

3. The Secretary,
Teacher Recruitment Board,
Fourth Floor, EVK Sampath Malligai,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to declare the selection of the petitioner to the post of computer instructor Grade – I (Post Graduate cadre) based on the Revised Provisional Selection List dated 28.12.2020 issued by the third respondent and



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consequently issue placement/posting orders to the petitioner in the post of computer instructor Grade-I (Post Graduate cadre) in accordance with seniority / ranking in the selection, based on the representation submitted by the petitioner dated 04.01.2021, within the time frame to be fixed by this Hon'ble Court.

For Petitioner	: Mr.K.Karthikeyan
For R1 and R2	: Mrs.S.Mythreye Chandru Special Government Pleader
For R3	: Mr.R.Siddharth Standing counsel

ORDER

This Writ Petition has been filed for direction directing the respondents to declare the selection of the petitioner to the post of computer instructor Grade – I (Post Graduate cadre) based on the Revised Provisional Selection List dated 28.12.2020 issued by the third respondent and consequently issue placement/posting orders to the petitioner in the post of computer instructor Grade-I (Post Graduate cadre) in accordance with seniority / ranking in the selection, based on the representation submitted by the petitioner dated 04.01.2021, within the time frame to be fixed by this Hon'ble Court.



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is qualified with M.Sc and B.Ed and eligible to apply for the post of Computer Instructor Grade-I. As per the notification issued by the third respondent, the petitioner applied for the post of Computer Instructor Grade – I and she had secured good marks and she was also called for certificate verification. After publishing the provisional selection list, in the final list, the petitioner was not selected to the said post and the result of the petitioner was withheld, on the ground that the petitioner had completed his Post Graduation as well as B.Ed simultaneously in the same years.

4. This issue was already dealt with by the Hon'ble Supreme Court of India and followed by the Hon'ble Division Bench of this Court in W.P.No.2807 of 2014 dated 26.04.2021, wherein it was held as follows:-

*“ 25. The Hon'ble Supreme Court in **Andhra Kesari Educational Society v. Director of School Education, (1989) 1 SCC 392 : AIR 1989 SC 183** has held as follows:-*



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"20. Before parting with the case, we should like to add a word more. Though teaching is the last choice in the job market, the role of teachers is central to all processes of formal education. The teacher alone could bring out the skills and intellectual capabilities of students. He is the "engine" of the educational system. He is a principal instrument in awakening the child to cultural values. He needs to be endowed and energised with needed potential to deliver enlightened service expected of him. His quality should be such as would inspire and motivate into action the benefiter. He must keep himself abreast of everchanging conditions. He is not to perform in a wooden and unimaginative way. He must eliminate fissiparous tendencies and attitudes and infuse nobler and national ideas in younger minds. His involvement in national integration is more important, indeed indispensable. It is, therefore, needless to state that teachers should be subjected to rigorous training with rigid scrutiny of efficiency. It has greater relevance to the needs of the day. The illtrained or sub standard teachers would be detrimental to our educational system; if not a punishment on our children. The Government and the University must, therefore, take care to see that inadequacy in the training of teachers is not compounded by any extraneous consideration.

*26. In another judgement in **N.M. Nageshwaramma v. State of A.P., 1986 Supp SCC 166 : AIR 1986 SC 1186** the Hon'ble Supreme Court has emphasized that proper training for the teacher is essential for a teaching post. The relevant portion of the judgement reads as follows:-*



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"3. The Teachers Training Institutes are meant to teach children of impressionable age and we cannot let loose on the innocent and unwary children, teachers who have not received proper and adequate training. True they will be required to pass the examination but that may not be enough. Training for a certain minimum period in a properly organized and equipped Training Institute is probably essential before a teacher may be duly launched. "

27. That apart, prescribing a particular educational qualification to a particular post is a policy matter within the domain and prerogative of the employer. The employer may prescribe the requisite educational qualification taking into consideration various circumstances including the nature of job and the essential requirements for the efficient discharge of the duties attached to a particular post. It is for the State to decide whether a particular qualification could be regarded as equivalent and the court cannot sit in the armchair of the policy maker.

28. So far as Educational Services in Tamil Nadu , there are number of statutory rules framed viz., Special Rules for The Tamil Nadu Elementary Educational Subordinate Service; Special Rules for the Tamil Nadu Higher Secondary Educational Service; Tamil Nadu Municipal Educational Service Rules; Special Rules for the Tamil Nadu School Educational Subordinate Service (Municipal and Township Schools), etc. In all those rules, the Government has fixed qualifications for appointment to various posts. In all the statutory rules, in respect of educational qualifications, reference have also been made about recognized degree and a degree of equivalent



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standard, besides a diploma or degree in teacher education". Admittedly, a simultaneous degree obtained in the same academic year has not been regarded as equivalent degree in any of the service rules. In such circumstances, unless and until, such degree obtained in the same academic year is prescribed as qualification in the relevant service rules, it is open to the authorities to refuse to recognize such degrees, in other words, unless and otherwise, statutory rules provides for it, a presumption of equivalence cannot be construed.

29. In **Zahoor Ahmad Rather v. Imtiyaz Ahmad, 2019 (2) SCC 404**, the Hon'ble Supreme Court at paras 26 and 27 has held as follows:-

"26. We are in respectful agreement with the interpretation which has been placed on the judgment in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664]* in the subsequent decision in *Anita [State of Punjab v. Anita, (2015) 2 SCC 170 : (2015) 1 SCC (L&S) 329]*. The decision in *Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664]* turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily presupposes the acquisition of another, albeit lower, qualification. The prescription of qualifications for a post is a matter of recruitment policy. The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be



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determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine. The decision in Jyoti K.K. [Jyoti K.K. v. Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification. The absence of such a rule in the present case makes a = crucial difference to the ultimate outcome. In this view of the matter, the Division Bench [Imtiyaz Ahmad v. Zahoor Ahmad Rather, LPA (SW) No. 135 of 2017, decided on 12-10-2017 (J&K)] of the High Court was justified in reversing the judgment [Zahoor Ahmad Rather v. State of J&K, 2017 SCC OnLine J&K 936] of the learned Single Judge and in coming to the conclusion that the appellants did not meet the prescribed qualifications. We find no error in the decision [Imtiyaz Ahmad v. Zahoor Ahmad Rather, LPA (SW) No. 135 of 2017, decided on 12-10-2017 (J&K)] of the Division Bench.

27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer



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may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in Jyoti K.K.[Jyoti K.K.v.Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in Jyoti K.K.[Jyoti K.K.v.Kerala Public Service Commission, (2010) 15 SCC 596 : (2013) 3 SCC (L&S) 664] turned."

*30. Now, coming to the issue under reference, the Division Bench in **B.Jagadeeswari v. The Chairman, Teachers Recruitment Board, Chennai [W.A.No.845 of 2013 dated 07.01.2014]** has rightly held that unless the dual degrees obtained simultaneously in the same academic year is recognized, a candidate cannot seek for a direction to the appointing authority to select and appoint him/her to a particular post. Incidentally, the Division Bench has also held that unless a specific direction is issued by the UGC in the form of statutory notification, mere recommendation of the UGC approving the proposal to permit the students to pursue two degrees simultaneously in the same academic year have only a recommendatory value. As stated earlier, unless and until, the UGC recognizes such degree courses, there is no obligation on the part of the university or the employers / recruiting agencies to recognize such degree courses in the absence of any such rules in this regard. Thus, we are in agreement*



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*with the law laid down by the Division Bench in **B.Jagadeeswari v. The Chairman, Teachers Recruitment Board, Chennai [W.A.No.845 of 2013 dated 07.01.2014.** For the reasons already discussed by us hereinabove, we are not in agreement with the judgement rendered by the latter Division Bench in The Secretary, School Education Department, Fort St. George, Chennai and 2 others v. L.Kavitha [W.A.No.1098 of 2012 dated 24.06.2016] as it did not lay down the correct law.”*

5. Thus, it is clear that unless the dual degrees obtained simultaneously in the same academic year is recognized, a candidate cannot seek for a direction to the appointing authority to select and appoint him/her to a particular post. Further, unless a specific direction is issued by the UGC in the form of statutory notification, mere recommendation of the UGC approving the proposal to permit the students to pursue two degrees simultaneously in the same academic year have only a recommendatory value. Unless and until, the UGC recognizes such degree courses, there is no obligation on the part of the university or the employers / recruiting agencies to recognize such degree courses in the absence of any such rules in this regard.

6. Therefore, the third respondent had rightly with held the result



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of the petitioner and this Court finds no infirmity or illegality in the order of selection list declared by the third respondent and the writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. No costs.

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Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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represented by School Educational Department,
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G.K.ILANTHIRAIYAN. J,

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