



WEB COPY

W.A.No. 2823



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.10.2024

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B. BALAJI

W.A.No. 2823 of 2024

R.Hema Maalini

..Appellant

Vs

1. The Government of Tamil Nadu
Represented by Secretary to Government,
Department of Higher Education,
Secretariat, Chennai-600009.

2.The Chairman,
Teachers Recruitment Board,
3rd & 4th Floor,
Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Complex, College Road,
Chennai-600006.

..Respondents

Prayer : Writ Appeal is filed under Clause 15 of Letters Patent to set aside the common order passed by this Court in W.P.No. 18726 of 2024, dated 10.07.2024.



For Appellant : Mr.S.Balakrishnan
For Mr. M.Ravi

For Respondents : Mr. R.Neelakandan, AAG
Assisted by Mr.K.Sathish Kumar, Standing
Counsel – R2
Mr.UM.Ravichandran, Spl.GP- R1

JUDGMENT

(Order of the Court was made by the D.Krishnakumar, J)

Challenging the order passed by the writ court in W.P.No.18726 of 2024, dated 10.07.2024, the present intra court appeal has been filed.

2. Heard the learned counsels appearing for the parties and perused the materials available on record.

3. According to the appellant, pursuant to the Notification No.3 of 2023, dated 25.10.2023 she applied for the post of Graduate Teacher (Physics) and her application and she also appeared for the competitive examination conducted by the Board. In the examination conducted by the Board, she secured 95%, thereafter she was called for certificate verification. During counseling, she has produced all the documents before the Board, but her name



was not found in the provisional list dated 27.05.2024 on the ground that the petitioner is not eligible to apply for the post of Graduate Teacher- Physics. Challenging the said provisional list, and claiming equivalency of B.E Degree to B.Sc (Physics), the appellant has filed a writ petition and the same was dismissed by the writ court. Hence the present writ appeal.

4. At the time of admission, this Court directed the respondent-Board to clarify the equivalency of B.E degree to Bsc(physics). Today, the 2nd respondent-board has filed an affidavit stating that totally 1,327 candidates have not completed the application, in that 636 candidates are not allowed to proceed further because their qualification did not match with the minimum educational qualifications as prescribed in the notification No. 03/2023, dated 25.10.2023. It is further stated in the affidavit that the appellant herein was allowed to apply in the application software, since she claimed to have equivalence degree by uploading the Government Order in G.O.(Ms)No. 270, Higher Education (J1) Department dated 03.12.2019. After scrutiny, the Board found that 4 candidates were declared as ineligible candidates on the ground of their incorrect self claim of equivalence of subject through G.O.(Ms)No. 270, Higher Education (J1) Department dated 03.12.2019. The



appellant herein is one among the aforesaid 4 candidates.

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5. We have perused the G.O.(Ms)No. 270, Higher Education (J1) Department dated 03.12.2019. In the said Government Order, at page no. 10, in Resolution No.2.30, it is clearly stated that B.E (any discipline) with B.Ed is eligible only to the post of B.T. Assistant (Mathematics), provided the eligibility fixed by the Government is to teach only from 6th standard to 8th standard.

6. In light of the above, it is clear that the said Government Order only confers eligibility to the candidates with B.E. Degree(any discipline) and B.Ed qualification for the post of B.T. Assistant (Mathematics) for teaching standards 6 to 8. The appellant however, invited this trouble upon herself by wrongly uploading documents by relying the said Government Order for the post of Graduate Teacher (Physics), which did not meet the eligibility criteria specified in the notification as well as the equivalency mentioned in the said Government Order. We find no merits in the appellant's claims and the writ appeal is liable to be dismissed.



7. In the result, the writ appeal is dismissed. No costs. However considering the submissions made by the learned counsel for the appellant that the appellant had successfully cleared the examinations conducted by the appellant-Board but her application was rejected by the respondent-Board only at the final stage, therefore he seeks permission of this Court to make representation to the authorities concerned to consider BE Degree course is equivalent to B.Sc (Physics) .

8. Accordingly, (i) the appellant shall make a representation to the 1st respondent/Secretary, Department of Higher Education, Secretariat, Chennai, within a period of four weeks, from the date of receipt of a copy of this order.

(ii).Upon receipt of such representation, the 1st respondent/Secretary, Department of Higher Education shall consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

(D.K.K., J.) (P.B.B., J.)

23.10.2024

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Internet: Yes
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D.KRISHNAKUMAR, J.

AND

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To

1. The Secretary to Government,
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Secretariat, Chennai-600009.

2. The Chairman,
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