



W.P.No.24661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.No.24661 of 2024
and WMP Nos.26986, 26987, 26988 & 26989 of 2024

S.T.Thirunavukkarasu
(Roll No.828020299)

... Petitioner

-Vs-

- 1.Secretary to Government
Namakkal Kavignar Maaligai
Department of School Education
St.George Fort, Chennai 600 009.
- 2.The Director/Commissioner
DPI Campus
No.17, College Road
Subba Road Avenue
Nungambakkam
Chennai 600 008.
- 3.The Chairman
The Teachers Recruitment Board
Puratchi Thalaivar Dr.M.G.R.Centenary Building
3rd & 4th Floor, Perasiriyar Anbazhagan
Kalvi Valagam
College Road, Nungambakkam
Chennai 600 006.



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4.The Secretary
The Teachers Recruitment Board
Puratchi Thalaivar Dr.M.G.R.Centenary Building
3rd & 4th Floor, Perasiriyar Anbazhagan
Kalvi Valagam
College Road, Nungambakkam
Chennai 600 006.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in Revised Provisional Selection List dated 01.08.2024 and quash the same and accordingly directing the 3rd respondent to issue fresh provsiional selection list as per the educational qualifications mentioned in the Notification and consequently select and appoint the petitioner to the post of Graduate Teacher (History) under the BCT turn.

For Petitioner : Mr.P.Nethaji

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Asst. by:
Mr.K.Sathish Kumar
Standing Counsel
for R3 & R4

Mr.S.Prabhakaran
Government Advocate for R1 & R2

ORDER

This writ petition has been filed challenging the revised provisional selection list dated 01.08.2024 issued by the 3rd respondent and for a consequential direction to the 3rd respondent to issue fresh provisional selection list as per the educational



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qualifications mentioned in the Notification and consequently, to select and appoint the petitioner to the post of Graduate Teacher (History) under BCT turn.

2.Heard Mr.P.Nethaji, learned counsel for the petitioner, Mr.R.Neelakandan, learned Additional Advocate General for R3 & R4 and Mr.S.Prabhakaran, learned Government Advocate for R1 & R2.

3.The petitioner has participated in the selection pursuant to the Notification issued by the 4th respondent dated 25.10.2023, to the post of Graduate Teacher (History). The further case of the petitioner is that the petitioner secured 77 marks and after adding weightage marks, he had secured 82 marks.

4.It is stated that the Teachers Recruitment Board issued proceedings dated 27.05.2024, calling for certificate verification. Totally 630 candidates had participated. The petitioner was not called for certificate verification.

5.The grievance of the petitioner is that nearly 22 persons who did not possess the required qualification in the same discipline were selected. That apart, it is stated that the selected candidates have not undergone the course in the pattern that was mentioned in the Notification and that they have undergone the course in a reverse pattern.



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6.It is stated that the candidature of some of the persons who have been provisionally selected has been withheld and that there is sufficient vacancy to consider the candidature of the petitioner.

7.This Court has carefully considered the submissions made on either side and the materials available on record.

8.The first submission made by the learned counsel for the petitioner is that nearly 22 persons who did not have the requisite qualification have been selected.

9.The learned Additional Advocate General appearing on behalf of the Board submitted the particulars of the 22 candidates pointed out by the learned counsel for the petitioner.

10.The learned counsel for the petitioner submitted that the candidate is expected to undergo B.Ed course in the same subject for which he has applied for the post of Graduate Assistant. However, in the list that has been filed before this Court, it is seen that most of them have completed B.Ed course much before completing the undergraduation course in History. Therefore, it was contended that these candidates do not possess the B.Ed degree for the specific subject. That apart, they also completed the course in a reverse pattern by first undergoing the B.Ed course and thereafter undergoing the U.G. course.



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11.To deal with the above submission made by the learned counsel for the petitioner, it will be more beneficial to take note off the relevant educational qualifications prescribed under the Notification.

12.The Notification states that the candidate must possess minimum educational qualification of graduation with atleast 50 marks and bachelor in education (B.Ed).

13.From the list that has been circulated before this Court, it is seen that most of the candidates had completed B.Ed much before completing undergraduation in History. The learned counsel by relying upon the order passed in WP.No.26889 of 2016 dated 30.11.2022 submitted that the candidates should have undergone the B.Ed course in line with the subject in which they have completed the U.G. That apart, they cannot complete the undergraduation in a reverse manner after completion of B.Ed. It was contended that this Court had held that such qualification is not sustainable.

14.The educational qualification that has been prescribed in the Notification does not talk about acquiring B.Ed qualification in the specific subject. It generally states that the candidate must be a graduate with atleast 50 marks and must possess Bachelor in education. There is no insistence by specifying that the candidate must complete B.Ed in the particular subject. If any such specification had



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been made, the submission made on the side of the petitioner would have carried more weight. However, it seems that the candidate had undergone U.G earlier in a different subject and had completed B.Ed. Later, they had acquired undergraduation in History. Since the Notification does not state that the B.Ed must be completed with the same subject, it is too difficult to read such a requirement into the Notification.

15.In the light of the above discussion, the first ground that was raised by the learned counsel for the petitioner to the effect that the selected candidates did not possess the essential qualification and that they completed the undergraduation in a reverse pattern, cannot be countenanced.

16.At the risk of repetition, this Court holds that the Notification does not specify that the B.Ed must be in the particular subject. In the absence of the same, it is enough if a candidate possess the B.Ed qualification and had completed the U.G in the specific subject.

17.The next issue pertains to filling up of the unfilled vacancies. The learned counsel for the Board submitted that if any vacancies ultimately goes unfilled, it will only be taken forward to the next recruitment and shown as a backlog vacancy. The learned Additional Advocate General submitted that it is not possible to prepare a reserve list in this case since it involves multiple posts.



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18.In the considered view of this Court, the petitioner presently is not even in the zone of consideration. Therefore, the petitioner cannot anticipate that he will be accommodated in the unfilled post. There may be other candidates who are equally or more qualified than the petitioner. Hence, the petitioner cannot claim it as a matter of right to consider his candidature in the vacancy that may arise due to the selected candidate not being appointed in the post for any reasons.

19.In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court and accordingly, this writ petition stands dismissed. No costs. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking Order : Yes /No
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N.ANAND VENKATESH. J.,
KP

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