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Writ Petition No.26542 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26542 of 2024

and

W.M.P.Nos.29043, 29044 & 29045 of 2024

R.Jagedeswary
D/o.N.Ranganathan

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its
Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.Teachers Recruitment Board,
4th Floor, DPI Campus,
College Road, Chennai - 600 006. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the third respondent in publishing the 'ineligible list' for the subject Tamil in S.No.4 dated 23.08.2024 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondent to appoint the petitioner to the post of Graduate Teacher/BT



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Assistant - Tamil under MBC - Locomotor disability category (PH),
pursuant to the recruitment notification No.3/2023 dated 25.10.2023.

For Petitioner : Mrs.N.Kavitha Rameshwar

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader [R1 & R2]
Mr.C.Kathiravan [R3]

ORDER

This writ petition has been filed challenging the ineligible list published by the third respondent dated 23.08.2024 insofar as adding the name of the petitioner in Sl.No.4 in that list and for a consequential direction to the respondents to appoint the petitioner to the post of Graduate Teacher/BT Assistant-Tamil under MBC - Locomotor disability category (PH) pursuant to the recruitment notification dated 25.10.2023.

2. In the instant case, the petitioner completed her SSLC in the year 2001. She did her Higher Secondary Course between 2001 and 2003. However, she did not clear biology paper during the exams in March 2003. The petitioner joined Under Graduation in B.A.(Tamil) in Tamil Nadu Open University in the year 2003. While doing the Under Graduation, the petitioner cleared the biology paper in the examinations



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held in June 2004. Thereafter, the petitioner has also completed Under Graduation in B.A. (Tamil) in July 2006. Thereafter, the petitioner completed B.Ed. course in the year 2007.

3. The third respondent issued the recruitment notification dated 25.10.2023 to the post of Graduate Teachers. The petitioner applied to the post of Graduate Teacher (Tamil) under MBC - Locomotor disability category (PH). The petitioner participated in the written examination conducted by third respondent and she secured 84 marks in the examination and over all secured 88.50 marks including weightage marks. The name of the petitioner was added in the list of candidates for certificate verification. The petitioner also participated in the certificate verification and produced all the documents.

4. The grievance of the petitioner is that the third respondent published the ineligible candidates list and the name of the petitioner was included in Sl.No.4 on the ground that the petitioner has not acquired the minimum educational qualification as per clause 6(c) of notification dated 25.10.2023. Aggrieved by the same, the present writ petition has been filed before this Court.



5. When the writ petition came up for hearing on 09.09.2024, this

Court directed learned Standing Counsel appearing on behalf of third respondent to take written instructions. Accordingly, the case was listed for hearing today. The relevant portions in the written instructions received by learned Standing Counsel are extracted hereunder:

"It is to state that as per clause 6(B) of the Notification No.03/2023, dated 25.10.2023, the eligibility of the candidate will be verified only at the time of Certificate Verification.

"6.QUALIFICATIONS:

B. Educational Qualifications (As on the date of Notification):

(iii) It is to be noted that if a candidate is allowed to appear for the examination, it does not mean that the eligibility of the candidate is verified.

(iv) The eligibility of the candidate shall be verified by the Teachers Recruitment Board at the time of Certificate Verification only, if called for."

It is to state that based on the afore-mentioned clause 6(B), the Board while verifying the documents uploaded by the petitioner in her online application, it was found that she is ineligible for appointment to the post of B.T.Assistant as she has started doing the Bachelor degree before passing H.S.C.

It is to state that the petitioner herself accepts that in the affidavit that she did not pass one paper i.e., Biology in Higher Secondary (+2) but she has without completing Higher Secondary Course, got admission to graduation degree through Open University, which against the basic pattern of study.



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The petitioner's educational qualification and year of completion is given in the below tabulation:

Sl.No.	Educational Qualifications	Year of completion
1.	S.S.L.C.	2001
2.	H.S.C	June 2004
3.	B.A. (Tamil)	July 2003 - July 2006
4.	B.Ed.	2007

From the above tabulation, it is clear that the petitioner has applied to pursue UG degree i.e., B.A.Tamil in the year July 2003 and cleared her H.S.C paper only in the year June 2004.

It is to state that as per clause 6(C)(iv) of the Notification No.03/2023, dated 25.10.2023, the candidate must pass S.S.L.C; H.S.C or its equivalent; Graduation degree and B.Ed. to be appointed as a Graduate Teacher."

6. Heard Mrs.N.Kavitha Rameshwar, learned counsel for petitioner, Mrs.S.Mythreya Chandru, learned Special Government Pleader appearing for respondents 1 and 2 and Mr.C.Kathiravan, learned counsel appearing for third respondent.

7. The short issue that arises for consideration in the present writ petition is as to whether the petitioner has satisfied the educational qualification prescribed under clause 6(c) of the notification dated 25.10.2023.



8. Clause 6(c) of the notification dated 25.10.2023 is extracted

hereunder:

"6. QUALIFICATIONS:

C. Qualification Criteria:

- (i) Candidates who have obtained a Degree after undergoing a course of one year duration (Double Degrees/Dual Degrees, additional degree etc.,) are not eligible to apply for this recruitment.
- (ii) Candidates who have obtained any two or three of the required qualifications (SSLC, HSC, U.G, degree and B.Ed., degree) **simultaneously** are not eligible to apply for this recruitment.
- (iii) In cases where the Special Rules prescribe a Diploma or a Degree of a Post Graduate Degree as a qualification for appointment, then;-
 - (a) a diploma obtained, after completion of S.S.L.C. or Higher Secondary Course [10+3(3 Years Diploma)] or [10+2+2 [Lateral Entry];
 - (b) A degree obtained, after completion of S.S.L.C. and Higher Secondary Course (10+2+3 or more) **as per Explanation-I of Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.**
- (iv) The Candidates must have obtained a Graduation and 2-year Diploma in Elementary Education / a Graduation and Bachelor in Education (B.Ed.)/ Higher Secondary and 4-year Bachelor in Elementary Education (B.El.Ed.)/ Higher Secondary and 4-Year B.A.Ed./ B.Sc.Ed./ a Graduation and B.Ed., (Special Education) **after completion of S.S.L.C., Higher Secondary Course or its equivalent (10+2+3+2 or 10+2+3+1 or 10+2+4 or 10+3+3+2 or 10+3+3+1 or 10+3+4) pattern as required under Section 25 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016)**



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and a B.Ed., degree from any University or Institution, recognized by the University Grants Commission.

- (v) The Candidates not having prescribed qualifications, as on the date of Notification shall not be eligible to apply for the examination. The Candidates should satisfy themselves about their eligibility criteria before applying. All qualifying certificates including PSTM certificate should have been obtained on or before the last date for submission of filled in Online application announced in the recruitment notification."

9. There is no dispute with regard to the facts of the present case.

The specific case of the petitioner is that she did not clear one paper *viz.*, Biology in the Higher Secondary Course. She got admission in the Tamil Nadu Open University in the year 2003 for B.A.(Tamil) and ultimately, the petitioner completed the biology paper only during June'2004 when she was doing the Under Graduation degree.

10. Learned counsel for petitioner submitted that the Tamil Nadu Open University permitted the petitioner to join Under Graduation subject to the condition that the petitioner must clear the subject in the Higher Secondary Course before the first year. This requirement was satisfied by the petitioner and therefore, it cannot be held that the petitioner had simultaneously studied Higher Secondary Course and Under Graduation.



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11. *Per contra*, learned Standing Counsel appearing on behalf of third respondent submitted that the third respondent is not questioning the Under Graduation degree obtained by the petitioner and what is being questioned is the pattern in which the petitioner had completed the course. Learned counsel submitted that a specific pattern has been mentioned in the notification and a candidate is expected to fulfil that pattern in order to comply with the educational qualification prescribed under the notification.

12. From the relevant clause that has been extracted from the notification, it is pellucid that the candidate must complete the degree in 10+2+3 pattern. It is also quite clear from clause(ii) that a candidate should not have obtained qualifications simultaneously without completing the basic qualification. In other words, the candidate is expected to complete SSLC first, thereafter HSC and thereafter, Under Graduation. After completion of the same, the candidate is expected to complete B.Ed. degree.

13. The validity of the Under Graduation obtained by the petitioner is not in question. What is in question is regarding the pattern in which



the petitioner had completed the same. In the instant case, the petitioner had completed Higher Secondary Course only after joining Under Graduation degree. Therefore, the petitioner has not strictly complied with the pattern that has been provided in the notification. It is now too well settled that the conditions that are imposed in the notification is binding on the parties. Therefore, when the Court grants relief, the Court cannot disregard such conditions imposed in the notification and grant the relief. In any case, the pattern that has been prescribed under the notification has not been put to challenge. Learned counsel for petitioner wants this Court to interpret the pattern as 10+2+3 on the ground that the petitioner was permitted to join Under Graduation degree in the Open University even though the petitioner did not clear biology paper in Higher Secondary Course and subsequently, the petitioner cleared biology paper in 2004.

14. If the above argument made by learned counsel for petitioner is accepted, then the pattern that has been given under the notification will not be strictly fulfilled. The pattern provided under the notification states that the person can join Under Graduation degree only on the completion of Higher Secondary Course. Since the petitioner has not complied with

