



W.P.No.33086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.33086 of 2023
and WMP No.32764 of 2023

Mrs.Dinila J.Kollannur
PG Assistant [Economic]
St. Thomas Aided Higher Secondary School
K.K.Pudur, Coimbatore 641 038.

.... Petitioner

-Vs-

- 1.The State of Tamil Nadu
Rep. By its Secretary
Department of School Education
Fort St.George, Chennai -600 009.
- 2.The Director of School Education
College Road, Chennai-600 006.
- 3.The Joint Director of School Education
The Directorate of School Education
College Road, Chennai-600 006.
- 4.The Chief Educational Officer
Coimbatore-641 001.
- 5.The District Educational Officer (Secondary)
Coimbatore-641 001.
- 6.The Correspondent
St. Thomas Aided Higher Secondary School
K.K.Pudur, Coimbatore-641 038.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 5th respondent District Educational



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Officer to approve the appointment of the Petitioner as PG Assistant [Economics] in the 6th respondent school with effect from the date of her appointment viz., 07.06.2017 and release the salary and attendant benefits with effect from the date of her appointment.

For Petitioner : Ms.H.Mary Sowmi Rexi
for M/s.Isaac Chambers

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader [Edn.,]
for R1 to R5

No appearance for R6

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 5th respondent to approve the appointment of the petitioner as PG Assistant [Economics] in the 6th respondent School with effect from the date of her appointment viz., 07.06.2017 and to release the salary and all other attendant benefits.

2.The case of the petitioner is that one post of PG Assistant [Economics] fell vacant in the 6th respondent School due to the retirement of the incumbent. The petitioner applied for the said post and was appointed with effect from 07.06.2017.

3.The 6th respondent School was following up with the 5th respondent to consider the approval of the appointment of the petitioner. A further request was also made to the 5th respondent to evaluate the Pre-Degree certificate obtained from



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Calicut University. Since no final decision was taken by the 5th respondent and the proceedings were kept pending before the 2nd respondent, the present writ petition was filed before this Court seeking for appropriate directions.

4.The 5th respondent has filed a counter affidavit. In the counter affidavit, the 5th respondent has taken a stand that the petitioner had secured only 34 marks in one of the subject viz., Indian History, which is below the minimum pass mark of 35% prescribed by the Tamil Nadu State Board of Higher Secondary Education. In view of the same, the 5th respondent had to verify the eligibility and qualification of the petitioner and a clarification was sent to the 2nd respondent . Accordingly, the 2nd respondent also issued clarification through proceedings dated 10.07.2019. In view of the same, it is contended that the Pre-Degree course of the petitioner is not equivalent to that of +2 in Tamil Nadu and therefore, the approval for the appointment of the petitioner was not considered.

5.Heard Ms.H.Mary Sowmi Rexi, learned counsel for the petitioner, Mrs.S.Mythreye Chandru, learned Special Government Pleader [Edn.,] for R1 to R5. There is no appearance for the 6th respondent either in person or through counsel.

6.The controversy in the present case pertains to the marks secured by the petitioner in one of the subject in the Pre-Degree course. The learned counsel for the petitioner relied upon G.O.Ms.No.263 dated 28.04.1989 which states that the pass



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in Pre-Degree Examination of Calicut University is equivalent to pass in the +2 Higher Secondary Examination in Tamil Nadu. The learned counsel also relied upon the communication dated 05.09.2019 issued by the University at Calicut. In this communication, it is stated that the candidate will be declared as pass in the Pre-Degree Examination if the candidate achieves the following benchmarks ;

- 360 to 449 - Third Class
- 450 to 539 - Second Class &
- 540 and above - First Class

7.The learned counsel for the petitioner submitted that the petitioner had secured a total of 398 marks and therefore, the petitioner is considered to have achieved third class in the Pre-Degree Examination.

8.The 5th respondent had sought for a clarification from the 2nd respondent. The 2nd respondent has made it clear in the communication dated 10.07.2019 that it is for the District Educational Officer to decide on the process of evaluation in line with G.O.Ms.No.270 dated 31.12.2013. In view of the same, the Pre-Degree Examination of the Calicut University is considered to be equivalent to the Higher Secondary Examination of Tamil Nadu for the purpose of employment in public services. Whether the petitioner taking below 35 marks in one subject, can be taken to be a fail, is dealt with by the clarification given by the University of Calicut. The claim made by the petitioner can be dealt with in line with this clarification issued by



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the University of Calicut. Ultimately, it is the University which must say whether a candidate has cleared or not cleared an examination.

9.In the light of the above discussion, there shall be a direction to the 5th respondent to deal with the proposal submitted by the 6th respondent School in line with the observations made by this Court and the same shall be forwarded to the 4th respondent in order to enable the 4th respondent to pass necessary orders for granting approval for the appointment of the petitioner to the post of PG Assistant [Economics] in the 6th respondent school, if the petitioner has satisfied all the other requirements. This process shall be completed within a period of six weeks from the date of receipt of copy of the order.

10.In the result, this writ petition is disposed of with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

23.10.2024

Index : Yes/No
NCS : Yes/No
KP

N.ANAND VENKATESH, J.

KP



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To

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State of Tamil Nadu
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