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W.P.No.36227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.36227 of 2024

and

W.M.P.Nos 39105 and 39108 of 2024

Vee. Thamizh Kaavya

...Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Higher Secondary Department,
Fort St. George, Chennai – 600 009.

2. The Teachers Recruitment Board,
Represented by its Secretary,
Puratchi Thalaivar DR.M.G.R.Centenary Building,
3rd and 4th floor,
Perasiriyar, Anbazhagan Kalvi Valagam,
DPI Complex, College Road,
Chennai – 600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second Respondent Board calling for the records relating to the ineligible List dated 22.07.2004 for direct recruitment of graduate



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Assistant/Block Resource Teacher Educators (BRT) – 2023 in the subject physics issued by the 2nd respondent Board and quash the same in so far as the said list has included the name of the petitioner in Serial No.8 as being ineligible for the post of Graduate Teacher in Physics referring to G.O.Ms.No.270, Higher Education(J1) Department, dated 03.12.2019 and holding UG Subject is not equivalent and consequently issue a direction to the 2nd respondent Board to Select the petitioner for the post of Graduate Teacher in physics pursuant to Notification No.3/2023 dated 25.10.2023 issued by the second respondent Board and pass further orders.

For Petitioner : Mr. C. Uma

For Respondent : Mr.U.Baranidharan, Additional
Government Pleader

For Respondent -2 : MR.R.Siddharth, Standing counsel

ORDER

This petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records of the second Respondent Board calling for the records relating to the ineligible List dated 22.07.2004 for direct recruitment of graduate Assistant/Block Resource Teacher



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Educators (BRT) – 2023 in the subject physics issued by the 2nd

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respondent Board and quash the same in so far as the said list has included the name of the petitioner in Serial No.8 as being ineligible for the post of Graduate Teacher in Physics referring to G.O.Ms.No.270, Higher Education(J1) Department, dated 03.12.2019 and holding UG Subject is not equivalent and consequently issue a direction to the 2nd respondent Board to Select the petitioner for the post of Graduate Teacher in physics pursuant to Notification No.3/2023 dated 25.10.2023 issued by the second respondent Board and pass further orders.

2. The facts of the case is that the petitioner is a B.E.Degree holder with B.Ed and she applied for the Teacher Eligibility Test against the Notification No.01/2022 dated 07.03.2022 issued by the second respondent. Thereafter, she was issued with a call letter to appear for the written examination and successfully selected in the written examination. Pursuant to which the second respondent vide Memo No.1109/CV-1(S2)/2024 dated 03.06.2024 communicated the petitioner to appear for the certificate verification. Subsequently on 22.07.2024 all of sudden the



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second respondent Board released the list of ineligible candidates, wherein the petitioner name was found. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that Teacher recruitment Board erroneously referred to the G.O.Ms.No.270 Higher Education (J1) Department dated 03.12.2019 for including the name of the petitioner in the ineligible list dated 22.07.2024 for the post of Graduate Teacher in Physics. The said G.O only deals with the equivalence of B.E(any discipline) with B.Ed for the post of BT Assistant (Mathematics) for purpose of employment in Public Services. The said G.O has no relevance to the qualification of the petitioner for the post of Graduate Teacher in Physics. Hence, prays for interference by this Court.

4. The learned Special Government pleader appearing for the respondents filed a counter affidavit, wherein it was stated that for the post of BT Assistant (Physics) a total of 10 candidates were not considered for provisional selection and declared as ineligible by the Board. Among these candidates totally 4 candidates were declared as



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ineligible candidates on the ground of their incorrect equivalence of subject through G.O.(Ms.) No. 270 HE Dept dated 03.12.2019. The petitioner is one among the four candidates. Hence there is no error on the part of the Board for not provisionally selecting the candidate for the post of BT Assistant (Physics) .

5. Heard both sides and perused the materials available on record.

6. On a perusal of the counter affidavit filed by the respondent it is made clear that the Board considered all the above aspects and decided that the qualification possessed by the petitioner is not equal to the qualifications prescribed for the post of Graduate Assistant(Physics). Accordingly the Board published the provisional selection list as well as the list of candidates ineligible for the post of Graduate Assistant (Physics) on 22.07.2024. The relevant post is extracted hereunder:

“B. Equivalence of Qualification: Candidates claiming equivalence of educational qualification to the prescribed educational qualification should upload and submit evidence for their claim in the form of equivalence Government Orders (G.O). Those who have applied for their equivalence



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Government Orders (G.O) should submit their equivalence Government Order at the time of Certificate Verification (if called for) failing which their candidature will be summarily rejected after due process.

(For further details regarding equivalence of qualification refer Annexure IV of this Notification and also refer note under para 9 of the “ Instructions to the candidates”)

7. Before advertng further it would be relevant to go through the order passed by this Court in W.P.No.18726 of 2023 on 10.07.2024 while dealing with the identical facts of the case and the relevant portion is extracted hereunder:

6. Admittedly, the petitioner failed to produce any equivalence order issued by the Equivalence Committee. That apart, this Court is not an expert to declare that B.E. Degree is equivalent to B.Sc Physics or Mathematics. Therefore, this writ petition is devoid of merits and it is liable to be dismissed.

8. In view of the above facts and going through the order passed by this Court in the identical facts it is made clear that the qualification possessed by the petitioner is not equal to the qualifications prescribed for the post of Graduate Assistant (Physics). Hence, the prayer sought for by



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the petitioner cannot be granted.

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9. Therefore, it is made clear that there is no merits in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs. Consequently the connected miscellaneous petition are closed.

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Index: Yes/No
Speaking order/Non-speaking order
smn

To.

1. The Principal Secretary to Government,
Higher Secondary Department,
Fort St. George, Chennai – 600 009.

2. The Teachers Recruitment Board,
Represented by its Secretary,
Puratchi Thalaivar DR.M.G.R.Centenary Building,
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V.BHAVANI SUBBAROYAN,J.

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