



W.P(MD)Nos.6761 and 17957 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.6761 and 17957 of 2023

and

W.M.P.(MD)Nos.6341, 6342 and 14994 of 2023

W.P.(MD)No.6761 of 2023:-

V.Sivapandy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.
- 2.The Joint Director (Kallar Reclamation),
(Formerly Special Deputy Collector /
District Revenue Officer - Kallar Reclamation),
Most Backward & De-Notified Welfare Department,
Collectorate Campus, Madurai – 625 020.
- 3.The Joint Director (Administration),
Office of the State Council of Educational
Research and Training (SCERT),
DPI Campus, Nungampakkam,
Chennai 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the
records relating to the order Na.Ka.No.0944/A3/2019 dated 12.02.2020 passed



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by the 3rd respondent and the Termination order Na.Ka.No.H.2/ 121685/2003 dated 23.02.2023 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to reinstate the petitioner into service and grant all the service and monetary benefits to the petitioner from the date of his initial appointment (i.e) 02.06.1999 as Secondary Grade Teacher within a time limit to be fixed by this Court.

For Petitioner : Mr.M.Sricharan Rangarajan, Senior Counsel,
For Mr.T.Sakthikumaran.

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader.

W.P.(MD)No.17957 of 2023:-

V.Sivapandy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.
- 2.The Joint Director (Kallar Reclamation),
(Formerly Special Deputy Collector /
District Revenue Officer - Kallar Reclamation),
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Research and Training (SCERT),
DPI Campus,



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Nungampakkam,
Chennai 600 006.

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4. The Director,
State Council of Educational Research
and Training (SCERT),
DPI Campus, Nungambakkam,
Chennai - 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Order Na.Ka.No.0944/C.4/2020 dated 22.06.2023 passed by the 4th respondent and quash the same and consequently, direct the respondents to evaluate the petitioner's Karnataka Teacher Training Course Certificate and declare the same as equivalent to the Teacher Training Certificate of the Tamil Nadu within a time limit to be fixed by this Court.

For Petitioner : Mr.M.Sricharan Rangarajan, Senior Counsel,
For Mr.T.Sakthikumaran.

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader.

COMMON ORDER

Heard the learned senior counsel for the writ petitioner and the learned Additional Government Pleader for the respondents.



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2.The petitioner was sponsored by the District Employment Office, Madurai for appointment as Secondary Grade teacher in Kallar Reclamation Schools. The second respondent temporarily appointed the petitioner as Secondary Grade Teacher vide order dated 05.05.1999. He joined duty on the reopening date for the academic year 1999 – 2000. The petitioner had only teachers training course certificate issued by Karnataka State when he joined service. During his service, he acquired qualifications such as B.A., M.A. and B.Ed. The petitioner had put in service for over 24 years.

3.Though the services of 185 teachers appointed in Kallar Reclamation Schools were regularized on 04.04.2001, the petitioner was left out. The second respondent had taken the stand that the teacher training course certificate issued by Karnataka State has not been evaluated by the Director of Teacher Education, Research and Training. The second respondent issued order dated 26.06.2001 to that effect by placing reliance on G.O.(Ms)No.1236, Education Department dated 17.09.1984. The petitioner filed O.A.No.6236 of 2001 before the Tamil Nadu Administrative Tribunal assailing the order dated 26.06.2001. Along with the petitioner, a number of other appointees had also filed O.As before the Tribunal. They were all disposed by a common order on



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30.06.2003. The authorities were asked to evaluate the certificates. In the meanwhile, government orders were issued in favour of certain individuals granting relaxation as special cases. This differential treatment was also judicially noticed.

4. On 19.01.2010, charge memo was issued containing four articles of charge. Questioning the same, the petitioner filed W.P.(MD)No.2172 of 2010. On 08.02.2017, the writ petition was allowed and the charge memo was set aside and the authorities were directed to comply with the order of the Tribunal. The second respondent filed W.A.(MD)No.1589 of 2017. The writ appeal was allowed by the Hon'ble Division Bench which however reiterated the direction for compliance of the order passed by the Tribunal on 30.06.2003 in O.A.No.6236 of 2001. Since the disciplinary proceedings had been restored, the matter was processed further and on 23.02.2023, the petitioner was terminated from service. Challenging the termination order, the petitioner filed W.P.(MD)No.6761 of 2023. Challenging the stand regarding equivalence taken by the fourth respondent, the petitioner filed W.P.(MD)No.17957 of 2023.

5. The learned senior counsel for the petitioner reiterated all the contentions set out in the affidavits filed in support of the writ petitions and



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called upon this Court to set aside the impugned orders and grant relief as prayed for.

6.The second respondent has filed a detailed counter affidavit in W.P.(MD)No.6761 of 2023. The fourth respondent has filed counter affidavit in W.P.(MD)No.17957 of 2023. The learned Additional Government Pleader for the respondents reiterated all the contentions set out therein. The prime contention of the respondents is that the minimum educational qualification required for admission to the Diploma in Teacher Training Course in pass in +2. For evaluating the equivalence, there are certain parameters. They are as follows:-

“a) Teacher Training Certificate holders of other States should have passed their SSLC, in Tamil Medium with Tamil as 1st language or should have taken Tamil as 1st language if they have studied in English Medium.

b) They should have obtained 50% of marks in aggregate in their SSLC as in the case of Teacher Training Certificate holders of Tamil Nadu.

c) They should have obtained 50% of marks in each subject in their Teacher Training course as in the case of Teacher Training Certificate holders of Tamil Nadu.



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d) If they have studied in a medium other than Tamil in their SSLC as well as Teacher Training course and if they satisfy conditions b and a their Certificate may be evaluated with a condition that they are eligible for appointment as Secondary Grade Teacher in Schools of Tamil Nadu only. where the medium of instruction is other than Tamil.”

The petitioner did not secure 50% of marks in two subjects. The petitioner had joined the Teacher Training Course in Karnataka during 1987 – 1988 with 10th standard qualification. It is for the aforesaid reasons, the Karnataka State Teacher Training Course certificate could not be evaluated with that of Tamil Nadu Diploma in Teacher Education Course.

7.The charges against the petitioner as as follows:-

“Charge No. 1 That the petitioner has created a situation of not being able to evaluate other State Teachers Training Course. Petitioner certificate by getting less than 50% marks, in violation of relevant Government Rules and orders.

Charge No.2 That the petitioner has secured less than 50% marks Le. 59 marks out of 120 marks, in two subjects.

Charge No.3 That he is working in violation of Government orders by having secured less than 50% of marks.



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Charge No. 4 That the petitioner suppressed facts and secured employment and thereby he got Government funds by way of salary by cheating the Government.”

8. Admittedly, the petitioner obtained teacher training certificate without completion of his higher secondary examination. The petitioner did not fulfil the minimum norms described in the recruitment rules. He was rightly terminated. This is the stand taken by the respondents. The learned Additional Government Pleader called upon this Court to sustain the impugned orders and dismiss both the writ petition.

9. I carefully considered the rival contentions and went through the materials on record. The basic facts have already been set out. The order dated 30.06.2001 passed in O.A.No.6236 of 2001 etc batch is to the effect that the petitioner is entitled to have his certificate evaluated. This direction was reiterated by the Hon'ble Division Bench vide order dated 22.11.2018 in W.A.(MD)No.1589 of 2018. The authority was directed to comply with the aforesaid direction by evaluating the Teacher Training Course certificate of the writ petitioner issued by the Karnataka Secondary Education Examination Board. Thus, the direction to evaluate has become final. But the Director, State Council of Educational Research and Training (SCERT), Chennai had taken a



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stand that the petitioner did not possess the educational qualification laid down in G.O.(Ms)No.1236, Education Department dated 17.09.1984 and G.O.(Ms)No.442, Education Department dated 27.04.1985. All that the authority ought to have done was to compare the syllabus of the Karnataka Teacher Training Course certificate and the syllabus of the course offered by Tamil Nadu and given a finding regarding equivalence. The authority had only one option before him. He must say whether the two certificates are equivalent or not. The authority had declined to undertake the exercise in the case of the petitioner. This was clearly impermissible. If such a comparative exercise could not be undertaken, such a stand should have taken before the Tribunal or atleast before the Hon'ble Division Bench. Not having done so, the authority was obliged to carry out the comparative exercise and come out with a definite statement. When the Hon'ble Division Bench had mandated something to be done, the authority cannot take the stand that what has been asked to be carried is not feasible of compliance. It is for this reason, I am constrained to interfere. The order dated 22.06.2023 passed by the fourth respondent in W.P.(MD)No.17597 of 2023 is falls foul of the direction given by the Hon'ble Division Bench in W.A.(MD)No.1589 of 2018 dated 22.11.2018. On that ground, it is set aside. Once the order dated 22.06.2023 passed by the Director, State Council of Educational Research and Training (SCERT), Chennai is set



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aside, the termination order also has to go as a corollary. The termination order that is subject matter of challenge in W.P.(MD)No.6761 of 2023 and the order impugned in W.P.(MD)No.17957 of 2023 are like Siamese twins. One cannot be separated from other. The order dated 23.02.2023 passed by the second respondent in W.P.(MD)No.6761 of 2023 is also set aside.

10.The question that calls for consideration is whether the matter should be remitted to the file of the authority concerned. The petitioner has served as a teacher for close to 23 years. His case has seen several round of litigations. It is not as if he had indulged in misrepresentation or fraud. There has been no suppression of facts on his part. After completing 10th standard, he joined Teacher Training Course certificate in regular stream offered by the Karnataka body. He passed the course. He also cleared 12th standard. He had subsequently obtained graduate, post graduate and B.Ed decree. His candidature was sponsored by the district employment exchange. The appointing authority accepted the petitioner's qualification and appointed him. It would be unjust to show the door to the petitioner at this point of time. The petitioner has suffered enough. The petitioner was terminated on 23.02.2023. For the period for which he had not worked, the petitioner will not receive any backwages. This period can even be treated as dies-non. This should meet the ends of justice.



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The second respondent is directed to reinstate the petitioner in service forthwith.

11.The writ petitions are allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

22.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Secretary,
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G.R.SWAMINATHAN, J.

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