



W.A(MD)No.1250 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM :

JUSTICE N.SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A(MD)No.1250 of 2019
and C.M.P.(MD)No.10744 of 2019

The Member Secretary,
TamilNadu Teacher Recruitment Board,
College Road, Chennai – 6.

...Appellant/Respondent

Vs.

1.K.Sivaselvi

2.Maduria Kamaraj Univesity,
Represened through its Registrar,
Madurai
(2nd Respondent is *suo-motu* impleaded
as per the order of this Court dated
01.07.2024 made by NSSJ and PVMJ)

3.The Directorate of School Education,
DIP Complex, College Road,
Chennai – 600 006. ... Respondents/Respondents
(3rd Respondent is *suo-motu* impleaded
as per the order of this Court dated 24.07.2024
by NSSJ and PVMJ)

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent as
against the order passed by this Court dated 30.01.2019 in W.P(MD)No.
6011 of 2014.



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For Appellant : Mr.V.R.Shanmuganathan
For R1 : Mrs.N.Krishnaveni
Senior Counsel
for Mr.S.Sadeskumar
For R2 : Mr.Cibi Chakrabarthi
For R3 : Mr.D.Sadiq Raja
Additional Government Pleader

J U D G M E N T

[Judgment was delivered by **N.SESHASAYEE, J.**]

This appeal is preferred challenging an order of a learned Single Judge in W.P.(MD) No.6011 of 2014, dated 30.01.2019.

2. The brief facts are that the appellant herein has issued a notification inviting applications for a competitive examination for the post of P.G.Assistant in Tamil. The exam was scheduled to take place on 21.07.2013 and did take place on that date. On 30.12.2013, 1st respondent participated in the interview successfully, but she did not find her name in the list of selected candidates. She challenged the same before the learned Single Judge in W.P.(MD) No.6011 of 2014.

3.1 The stand of the learned counsel for the appellant is that the eligibility criteria prescribed in the notification for the post of



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P.G.Assistant (Tamil) is the candidate should possess a Post Graduation degree in Tamil as well as a B.Ed., degree. So far as the 1st respondent is concerned, she had passed her higher secondary in March, 2002 and pursued her graduation course in B.A.(Tamil) and successfully passed the same in April, 2006. She then proceeded to prosecute her studies further and joined her Masters Degree in Tamil in June, 2006. She successfully completed her first year in May, 2007. Thereafter, she had joined B.Ed., degree course, a regular course, in June, 2007 and completed the same successfully in May, 2008. However, in the course completion certificate issued by Madurai Kamaraj University, it is stated that the candidate in question had completed her Post Graduation degree in Tamil between June, 2006 and June 2008. This implies, her second year of Post Graduation degree apparently has overlapped with her B.Ed., degree course.

3.2 Developing his arguments further, the learned counsel for the appellant submitted that the learned Single Judge allowed the plea of the 1st respondent herein presumably basing her line of reasoning on the dictum of this Court in W.A.(MD) No.1035 of 2017. However, this judgment pertains to pension issues and not with the issue currently



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before this Court.

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3.3. The learned counsel for the appellant would place reliance on another Division Bench of this Court in ***K.Govindaraj Vs. State of Tamil Nadu*** [W.A.No.53 of 2015, dated 23.01.2015]. In this case, the Division Bench has placed reliance on G.O.Ms.No.107, School Education Department, dated 18.08.2009 and G.O.Ms.No.242, Higher Education Department, dated 18.12.2012 followed by a clarificatory note issued by the Registrar of the Madras University, issued *vide* letter dated 12.01.2011. Further, the learned counsel placed reliance on a Full Bench authority of this Court in ***R.Chitra and others Vs. Member Secretary, Government of Tamil Nadu*** [2021 3 CTC 369 = 2021 2 LW 846], wherein the Full Bench has held that a candidate who pursued two independent courses simultaneously is disqualified from pressing her candidature. The relevant passage reads:

“21. Coming to the issue of recognition of simultaneous degrees obtained in the same academic year, indisputably, most of the students obtain their second degree through distance education mode and the students are not permitted to undergo a second degree programme in formal mode in the same academic year. In such circumstances, unless simultaneous degrees obtained are recognized by the UGC with the prior approval of the



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Central Government, such degrees cannot be considered as recognized degree as per Section 22 of the UGC Act. As stated supra, as of now, the UGC has not recognized pursuing dual degree courses simultaneously during the same academic year. Therefore, till such time as dual degree courses are recognized by the UGC, such degrees conferred by the universities cannot be construed as degrees recognized as per the provisions of Section 22 of the UGC Act.”

This Court instantly reminded the learned counsel that the learned Single Judge has relied on a decision of this Court in W.A.No.1035 of 2017, which appears to have been decided by the Principal Bench and not by this Bench.

4.1 Responding to the above submissions of the learned counsel for the appellant, learned Senior Counsel for the 1st respondent submitted that the appellant's notification merely stipulated that a candidate should have a M.A. Post Graduation degree as well as B.Ed., degree. So far as the 1st respondent is concerned, she had pursued her Post Graduation degree in the Open University which implied that she need not attend any regular classes. Secondly, in terms of her mark sheet, she had sat for her M.A., second year examination only in April, 2009, for which results were



published in September, 2009. The learned counsel would argue that if a candidate has pursued her Post Graduation degree course in Tamil in the Open University, then nothing prevents her from pursuing the same along with her B.Ed., degree. The issue of overlapping of the year of education may be invited, but not otherwise. Thirdly, the error essentially rests on the University when it issued the course completion certificate to her in June, 2008 without reckoning the fact that the year in which the respondent had passed her course was only in April, 2009. Alternatively she would argue that the year of completion of course is entirely different from year of passing an examination of that course. Therefore, even if the University had reckoned the period of course between 2006 and 2008 yet the fact remains that she sat for the examination only in the following academic year, which implies that she has been pursuing her M.A. Post Graduation course separately.

4.2. The learned Senior Counsel insisted that the 1st respondent has not pursued twin courses simultaneously in the same academic year, but she took a break in studies from her masters degree in Tamil and continued it after the completion of the B.Ed degree course. Therefore, the rationale that persuaded the Full Bench *Chitra's case* to come to its conclusion,



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may not apply to the present case as the present case is different both factually and contextually. To substantiate her contention, the learned counsel filed an additional affidavit supported by a typed set of papers to show that the 1st respondent/writ petitioner had passed B.Ed., examination on 16.07.2008, and that she paid her tuition fee for her II year M.A.(Tamil) only after completion of her B.Ed., course i.e on 10.09.2008. The learned counsel added that the premise on the basis of which the Writ Petition was defended by the appellant is that II year M.A.(Tamil) and B.Ed., course overlapped, but, this is not correct.

5. Assisting the Court Mr.Cibi Chakaravarthy, learned counsel for the 2nd respondent, the Madurai Kamaraj University, made a statement, on instruction, that the course completion certificate will be issued on the completion of the period provided for completion of the course and that it has little relevance when exactly a candidate passes the examinations prescribed for the the course. In other words, he submitted that the course completion certificate issued to the 1st respondent/writ petitioner is valid and it does not indicative of when she pursued her II year M.A(Tamil).

6.On evaluating the submissions made before this Court, this Court has



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little hesitation in overruling the objection of the appellant that the first respondent pursued her M.A(Tamil) 2nd year and her B.Ed., course in the same academic year. This implies that the appellant is entitled to go to the next stage of the selection process. If after completing the entire selection process, the appellant finds that the 1st respondent is eligible enough to be appointed as P.G Assistant in Tamil, then, it is required to publish the results thereof.

7. This Court now *suo motu* impleads the Directorate of School Education as the 3rd respondent to ascertain if the 1st respondent could be given a placement in the eventuality of the appellant publishing a selection list with the name of the 1st respondent.

8. Mr.Sadiq Raja, learned Additional Government Pleader, who took notice for the 3rd respondent, on instructions, made a statement that if the appellant announces the 1st respondent as a selected candidate, then, she would be given a post, if there is a vacancy. If however, there are no vacancies immediately available, then, she will be given a placement as and when the next vacancy arises.



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9. This Court finds no merit in the appeal and the appeal is dismissed but subject to what is hereinabove stated in paragraph Nos.7 and 8. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
24.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Abr/PM/CM

To,
1.The Member Secretary,
TamilNadu Teacher Recruitment Board,
College Road, Chennai – 6.

2.The Directorate of School Education,
DIP Complex, College Road,
Chennai – 600 006.



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and
P.VADAMALAI, J.

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Judgment MADE IN
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