



W.A.(MD)Nos.1849 and 1850 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM

**THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN
AND**

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

**W.A(MD)Nos.1849 and 1850 of 2021 and
C.M.P.(MD)Nos.8061 and 8062 of 2021**

W.A(MD)No.1849 of 2021:-

The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road, Chennai - 600 006. ... Appellant

VS

1.S.Karunakaran

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

3.The Joint Director,
Ex-Serviceman Welfare Association,
No.22, Raja Muthiah Road,
Chennai - 600 003. ...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 15.12.2020 passed in W.P(MD)No.17354 of 2020.

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For Appellants	: Mr.VR.Shanmuganathan
For R1	: Mr.C.Vakeeswaran
For R2 and R3	:M.Senthil Ayyanar
	Government Advocate

W.A(MD)No.1850 of 2021:-

The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road, Chennai - 600 006. ... Appellant

vs

1.A.Velmurugan

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

3.The Joint Director,
Ex-Serviceman Welfare Association,
No.22, Raja Muthiah Road,
Chennai - 600 003. ...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 15.12.2020 passed in W.P(MD)No.17392 of 2020.

For Appellants	: Mr.VR.Shanmuganathan
For R1	: Mr.C.Vakeeswaran
For R2 and R3	:M.Senthil Ayyanar
	Government Advocate



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COMMON JUDGMENT

(Judgment of this Court was delivered by **C.V.KARTHIKEYAN, J.**)

Both the Writ Appeals have been filed against a common order passed in W.P.(MD)Nos.17354 and 17392 of 2020, by which common order, the Writ Petitions filed by the two Writ Petitioners, S.Karunakaran in W.P.(MD)No.17354 of 2020 and A.Velmurugan in W.P.(MD)No.17392 of 2020, have been disposed of and a direction had been given to the respondents therein to fix a date for verification of the certificates of the Writ Petitioners within a week from the date of receipt of a copy of the said order and until the completion of the certificate verification, the respondents were also directed not to fill up the four posts, which were available for Ex-Serviceman quota.

2.The first respondent in the Writ Petitions, the Chairman, Teachers Recruitment Board had filed the present Writ Appeals questioning the directions issued.



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3.The Writ Petitioner in W.P.(MD)No.17354 of 2020 had joined the Army on 29.08.1983 as Naik and completed 10th standard in the month of March 1983. He served for more than 15 years in the Indian Army and the Indian Army had also given a certificate called the Graduation Certificate to him 31.07.2000. It is his contention that the said certificate would enable him to apply for a "Group-C" post, for which Graduation is required under the Ex-Servicemen quota.

4.The Writ Petitioner in W.P.(MD)No.17392 of 2020, A.Velmurugan, had joined the Army on 28.10.1991 as Havildhar and completed 10th Standard on 20.06.1972. He had also completed the Physical Education Course conducted by the Army School of Physical Training on 06.07.1998. A certificate of Command Preparatory Physical Training Course had been issued by the Major, Western Command. He had also served for more than 15 years in the Indian Army and he was also given a Graduation certificate on 31.08.2011.

5.Both the Writ Petitioners had applied for the post of Special Teachers (Physical Education, Drawing, Music and Sewing) in the School



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Education and other departments for the years 2012-16. The qualification required is a pass in Secondary School Leave Certificate and Government Teachers Certificate of Lower Grade in Physical Education. They both had actually studied upto 10th Standard, but had served in the Indian Army and were therefore, granted Graduation certificate or a certificate of Graduation in Physical Education.

6.Both the Writ Petitioners had placed reliance on G.O.(Ms)No.77, dated 23.01.2018, wherein, it had been stated that if an individual joins Army for a period of 15 years and was a Matriculate, then on completion of said 15 years, for all practical purposes, he should be considered as having been Graduate. The said Government Order was pressed into service by the Writ Petitioners and since they were not favourably considered under the Ex-Servicemen quota, they had filed the Writ Petitions.

7.The learned Single Judge on consideration of the facts and particularly, G.O.(Ms)No.77, referred supra, had found that the qualification obtained by the Writ Petitioners was equivalent to Physical Education Graduation and therefore, had issued a direction to consider the said



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Graduation certificates of the Writ Petitioners, as equivalent to the qualification, as prescribed in Clause-II of the notification. Clause-II of the notification was a pass in Secondary School Leaving Certificate and Government Teachers Certificate of Lower Grade in Physical Education. Questioning that particular direction, the first respondent, namely, the Chairman, Teachers Recruitment Board, had filed the present Writ Appeals.

8.Pending Writ Appeals, a decision had been taken by the Writ Appellant on 08.01.2024 in Na.Ka.No.7855/CV1/S1/2021, wherein, they had also considered the impact of G.O.(Ms)No.77 and had issued a direction that the certificates obtained by the Writ Petitioners on completion of 15 years of service in the Army could be considered, as equivalent to Graduate qualification and therefore, had directed the second respondent, namely, Director of School Education, Chennai, to proceed further with the verification of the certificate.

9.However, we are informed that though this particular direction was issued by the Writ Appellant on 08.01.2024, the certificates of the Writ Petitioners were verified only on 15.06.2024.



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10. We are today informed that on verification of the certificates, the second respondent had found that the Writ Petitioners have not completed their +2. The said finding does not take the second respondent in the Writ Petition anywhere. It is common knowledge that if an individual volunteers to join the Indian Army on completion of basic educational qualification, as is required for the post of a Naik or for the post of Havildar, namely, Matriculation or 10th Standard or its equivalent, then he would be serving in far remote corners of the country for atleast 15 years, which is the shortest period, when he could get volunteer retirement from such commission in the Indian Army. During that period of 15 years, it cannot be expected that the said serviceman should search around for a School or for a College in that area and pursue his studies. He would have devoted himself fully for the protection of the country and therefore, it would be highly impossible for him to qualify in any education.

11. However, the Writ Petitioners had also obtained a physical Education certificate. It shows that they are more than competent than any other persons, who had completed either their +2 or their Graduation in any



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course whatsoever. They have done active service for more 15 years and it is the duty and responsibility of the civilians to provide them a necessary security and life, when they come back after serving for 15 years in the Indian Army.

12.The Director of School Education in this case has sought approval as to whether proceedings can be issued insofar as the two Writ Petitioners are concerned, since they had not completed their +2 course. We would make it clear and and we would clarify, as clarified by the learned Single Judge, that the qualification obtained by the two Writ Petitioners is more than eligible to be considered for appointment to "Group-C" post and more particularly to the post for which they had applied in the first instance. G.O. (Ms)No.77, dated 23.01.2018, is very clear. It does not require any interpretation. Para 3 of G.O.(Ms)No.77, is as follows:

"3.After careful examination, the Government have decided to accept the proposal of the Director of Ex-Servicemen's Welfare, Chennai and accordingly, direct that for appointment to any reserved vacancy in "Group C" posts, a Matriculate Ex-Servicemen (which term includes an Ex-Servicemen, who has obtained the Indian Army Special Certificate of Education or the corresponding certificate in the Navy of the Air Force), who has put in not less than 15 years of service in the Army Forces of the



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Union shall be considered eligible for appointment to the posts for which the essential qualification prescribed is Graduation. They are eligible for promotion to all Group 'A' and 'B' posts in routine course excepting for those posts for which graduation is prescribed as a prescribed qualification for promotion."

13.It very clearly states that if any Ex-Serviceman, who comes back to civil life and seeks some security in life by opting to apply to any Government post, particularly "Group-C" post and if he had been a Matriculate and if he had been put in not less than 15 years of service in the armed forces of the Union, he shall be considered eligible for appointment to the post for which the essential qualification is Graduation. The Writ Petitioners had applied for such post.

14.We find that there is no clarification required. The Director of School Education need not search further for any clarification, but rely only on G.O.(Ms)No.77, referred supra. We are appreciate the stand taken by the Writ Appellant in understanding the situation and issuing the directions on 08.01.2024 in Na.Ka.No.7855/CV-1/S1/2021. We would further appreciate, if the second respondent in the Writ Petition namely, the Director of School Education also bestows his necessary attention to process the application of



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the two Writ Petitioners and issue orders within six weeks from the date of receipt of a copy of this order.

15.The Writ Appeal stands disposed of, accordingly. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[C.V.K., J] & [J.S.N.P., J]
16.08.2024

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

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To

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

3.The Joint Director,
Ex-Serviceman Welfare Association,
No.22, Raja Muthiah Road,
Chennai - 600 003.

C.V.KARTHIKEYAN, J.

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