



W.A.(MD) No.2196 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.2196 of 2023
and
C.M.P.(MD) No.17643 of 2023**

The Teacher Recruitment Board,
Rep. by its Chairman,
EVK Sampath Maaligai,
DPI Compound,
College Road,
Chennai – 600 006.

... Appellant/1st Respondent

-VS-

- 1.M.Senbagam
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Theni District.
- 4.The Registrar,
Periyar University,
Salem.

... 1st Respondent/Writ Petitioner



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5.The Registrar,

Tamil Nadu Teachers Education University,
Chennai.

... Respondents 2 to 5/Respondents 2 to 5

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 16.09.2022, passed in W.P.(MD) No.17633 of 2017, on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Mr.V.Panneerselvam for R1

Mr.D.Sadiq Raja
Additional Government Pleader for R2, R3 & R5

J U D G M E N T

[Judgment of the Court was made by D.KRISHNAKUMAR, J.]

Challenge in this writ appeal is to the order dated 16.09.2022, passed in W.P.(MD) No.17633 of 2017, by the Writ Court.

2. According to the appellant, the first respondent has passed 10th Standard in March 2007, 12th Standard in March, 2009, B.Sc., (Maths) (Academic Year) in April 2012, B.Ed., (Academic Year) in May, 2013 and M.Sc., (Maths) in December, 2014. Hence, the first respondent has undergone the B.Ed., degree



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course and M.Sc., degree course simultaneously. Therefore, she is not entitled to seek for a direction to select and appoint her as B.T. Assistant (Mathematics).

3. In support of his contentions, the learned Standing Counsel for the appellant relied on the following decisions:-

(i) Order *dated 12.11.2014, passed in W.P. No.26275 of 2014* in the matter of *K.Govindaraj v. The State of Tamil Nadu and others*, wherein this Court held as follows:-

“12. Further, the Hon'ble Division Bench of this Court in the case of *S.Jagadeeswari vs. The Chairman in W.A.No.845 of 2013, dated 07.01.2014*, considered the validity of G.O.Ms.No. 361, dated 31.12.1999 and confirmed the order made in W.P.No. 30299 of 2012, wherein, it was held that the stand taken by the respondent not to accept the candidature of persons, who had undergone two different degrees simultaneously is perfectly in order.

13. Hence, for all the above reasons, no relief can be granted to the petitioner and accordingly, the Writ Petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.”



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(ii) Order *dated 04.02.2019 made in W.P.No.503 of 2018* in the matter of ***R.Mekala v. The Director of School Education***, wherein this Court held as follows:-

“6. This Court is of an undoubted opinion that teaching faculty ought to be appointed only from and amongst the candidates, who had undergone the regular educational courses. It is not sufficient if a candidate has completed his/her degree, and they must establish that they had undergone the degree course through by attending regular classes and not through Open University or through Correspondence courses. Teaching is a noble profession and taking classes is an art in the class room. The students undergoing the education must be in a position to appreciate the teaching skills of the teacher and the teachers have to impart the education by utilizing their experiences and skills in teaching. Thus, this Court has to made it clear that the candidates who secured degrees only through regular courses alone would be eligible to seek appointment for teaching faculties in Schools, Colleges and Universities.

7. This being the principles laid down in number of judgments, this Court is of an opinion that the writ petitioner who secured dual degree by undergoing two degrees during the same academic years would not be eligible for securing appointment,



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more specifically to the post of BT Assistant (Geography) in the Tamil Nadu Educational Service. Thus, the writ petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present petition and the writ petitioner stands dismissed as devoid of merits. No Costs. Consequently, connected miscellaneous petition is closed.”

(iii) Order ***dated 07.01.2014 made in W.A.No.845 of 2013*** in the matter of ***B. Jagadeeswari v. Chairman, Teachers Recruitment Board, Chennai***, wherein the Division Bench of this Court held as follows:-

“Unless the dual degrees obtained simultaneously in the same academic year is recognized, a candidate cannot seek for a direction to the appointing authority to select and appoint him/her to a particular post. Incidentally, the Division Bench has also held that unless a specific direction is issued by the UGC in the form of statutory notification, mere recommendation of the UGC approving the proposal to permit the students to pursue two degrees simultaneously in the same academic year have only a recommendatory value. As stated earlier, unless and until, the UGC recognizes such degree course, there is no obligation in the part of the university or employers/recruiting agencies to recognize such degree courses in the absence of any such rules in this regard.”



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4. Learned Standing Counsel for the appellant would submit that unless the dual degrees obtained simultaneously in the same academic year is recognized, a candidate cannot seek for a direction to the appointing authority to select and appoint him/her to a particular post. He would further submit that unless and until, the UGC recognizes such degree course, there is no obligation in the part of the university or employers/recruiting agencies to recognize such degree courses in the absence of any such rules in this regard.

5. We are not in disagreement with the submissions of the learned counsel for the appellant nor the decision of the Division Bench of this Court.

6. Coming to the facts of the case, the Transfer Certificate issued by the Rasi College of Education would clearly disclose that the first respondent has applied for B.Ed., on 22.08.2012 and she has completed the course and left the course on 19.05.2013 and the transfer certificate issued by Periyar Institute of Distance Education (PRIDE), Periyar University shows that the first respondent has joined the M.Sc., course on 02.08.2013 and the duration of the course is two



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years and she appeared for the examination in December, 2014 for the second year examination.

7. Therefore, according to the appellant, the first respondent has not completed the two years duration course of M.Sc. (Mathematics) in the University and she completed M.Sc., degree in one year and four months and the first respondent should have joined the course in the month of January, 2013 as the academic year would have commenced from January, 2013. Therefore, there is overlapping of B.Ed., and M.Sc degree courses. Hence, in the light of the judgment of the Division Bench of this Court in *B. Jagadeeswari's* case, the first respondent has undergone simultaneously two courses in the aforesaid period and therefore, the first respondent is not eligible for consideration for appointment to the post of B.T. Assistant (Mathematics).

8. The transfer certificate issued by the Periyar Institute of Distance Education (PRIDE), Periyar University would disclose that the first respondent joined the course on 02.08.2013. Regarding the question, whether the said admission can be entertained by the University on 02.08.2013, we are not going



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into this at this stage. We are concerned only with the question whether the first respondent had undergone the aforesaid courses simultaneously. The first respondent herein had joined M.Sc., course on 02.08.2013 and therefore, as rightly held by the learned Single Judge, the first respondent has not undergone the B.Ed., and M.Sc. courses simultaneously. The appellant has not placed any other direct materials before this Court in support of his contention. In the absence of any direct materials, we are inclined to rely on the aforesaid transfer certificate issued by the Periyar Institute of Distance Education (PRIDE), Periyar University to hold that the contentions of the appellant are liable to be rejected.

9. However, we make it clear that on the perusal of the records submitted by the first respondent herein, which clearly shows that she completed only two years M.Sc., (Mathematics) degree, but she has completed the course in one year four months, which according to the appellant, the first respondent herein is not eligible on the aforesaid ground, however, there is no order, by which the appellant has cancelled the selection of the first respondent on the aforesaid ground and hence, we are not inclined to go into that contention of the appellant.



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10. In the light of the above, the Writ Appeal stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

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Index : Yes / No

Internet : Yes / No

SJ

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