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W.P.(MD) No.16643 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.16643 of 2017

and

W.M.P.(MD) Nos.13247 & 13248 of 2017

A.Maria Jeya Rani

... Petitioner

-VS-

1.The Secretary to the Government
Department of School Education
Fort St.George, Chennai-09

2.The Director
Teachers Recruitment Board
DPI Complex
College Road, Nungambakkam
Chennai-600 006

... Respondents

PRAYER: 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 pertaining to his proceedings in pursuant to their notification



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dated 07.03.2017 and quash the order dated nil pertaining to the rejection of the candidature of the petitioner and consequentially direct the second respondent to consider the name of the petitioner to be appointed as B.T Assistant on the basis of her subsequent B.A. History Degree as well as her earlier B.Com Degree.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1
Mr.V.R.Shanmuganathan
Standing Counsel for R2

ORDER

This writ petition has been filed challenging the order, dated 07.03.2017, passed by the second respondent, rejecting the petitioner's candidature for being appointed as B.T.Assistant, on the ground that the subject History, in which the petitioner is having an Under Graduate Degree, is an ineligible subject at the time of the Teachers Eligibility Test.



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2. The petitioner has challenged the impugned order, on the ground that the second respondent having invited the candidates to update their qualifications ought not to have rejected the candidature of the petitioner on the same ground of disqualification as done on the earlier occasion, without considering her subsequent degree.

3. Learned counsel for the petitioner drew the attention of this Court to the additional typed set of papers-I, dated 04.09.2017, filed before this Court, in particular to the notification issued by the respondents, dated 07.03.2017 and would submit that since the petitioner's candidature was rejected earlier by the Certification Verification Board and the petitioner having completed B.A. Degree, after the previous certificate verification process, but within the academic year in which the relevant TNTET was taken by the petitioner, the aforesaid notification comes to the benefit of the petitioner, but erroneously the same has not been considered by the respondents, while rejecting the petitioner's candidature.



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4. A counter affidavit has been filed by the second respondent before this Court denying the contentions of the petitioner.

5. Learned Standing Counsel appearing for the second respondent – Board would also submit that only due to the fact that the petitioner was not qualified as she was possessing only a “one year B.A.Degree in History”, which is not a requisite qualification for being appointed to the subject post, the respondents have rejected the petitioner's candidature under the impugned order. He also drew the attention of this Court to the common order of a learned Single Judge of this Court, passed in W.P.No.19631 of 2011 batch, dated 14.08.2012 and would submit that the learned Single Judge, after considering various authorities, has come to a categorical conclusion that one year degrees are not recognized degrees and if one year degrees are also recognized as equivalent to three year degrees, that would sound the death knell for the schools run by the Government.

6. In the instant case, the petitioner had earlier challenged the rejection of her candidature, on the ground that she is not possessing a three



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year B.A.Degree in History by filing a writ petition. The said writ petition came to be dismissed, on the ground that the reason for rejection of the petitioner's candidature given by the respondents was correct.

7. In the present writ petition, the petitioner, only on the basis of the subsequent notification, dated 07.03.2017, issued by the second respondent – Board, has challenged the impugned order rejecting her candidature. As per the notification issued, on 07.03.2017, by the second respondent – Board, the candidates, who have (a) qualified and participated in the previous Certificate Verification process for the relevant TNTET and acquired an additional UG degree, (b) qualified, but absent for the previous Certificate Verification process, (c) obtained their B.Ed. Degree after the previous TNTET Certificate Verification, but within the academic year in which the relevant TNTET was taken by the candidate and (d) participated in the previous certificate verification process but treated as ineligible by the Certificate Verification Board for various reasons, were given one more chance to update their details. Learned counsel for the petitioner relied upon the Clauses (c) and (d) referred to supra in support of the petitioner's stand.



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8. However, the contentions of the petitioner have to be rejected by this Court for the following reasons:

- (a) It is undoubtedly clear that the petitioner, based on her one year B.A.Degree, is ineligible to be appointed to the post of B.T.Assistant as held by the learned Single Judge of this Court, in his common order dated 14.08.2012, passed in W.P.No.19631 of 2011 batch and in view of the fact that the petitioner's writ petition filed earlier challenging the earlier rejection of her candidature for the said reason also came to be dismissed by this Court and the said order has also attained finality.
- (b) The notification, dated 07.03.2017, relied upon by the learned counsel for the petitioner, has to be made applicable only to the qualified and eligible candidates. If the interpretation given by the learned counsel for the petitioner to the notification, dated 07.03.2017, will have to be applied, there is no logic to the same as any person, who has applied for the subject post and



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whose application has been rejected, can get the benefit of the notification dated 07.03.2017 relied upon by the learned counsel for the petitioner. Even a student, who has applied for the subject post and his application has been rejected, can also take the benefit of the notification, dated 07.03.2017, which is not the object of issuing such a notification. It is clear from the notification dated 07.03.2017, issued by the second respondent – Board that only the candidates, who have been qualified earlier and whose candidatures were rejected, after they having participated in the previous certificate verification process, for various reasons, can seek the benefit from the notification dated 07.03.2017 and not the candidates, like that of the petitioner herein, whose candidature was rejected earlier, on the ground that she is not qualified for the said post, since she is not possessing a three year B.A.Degree, as she is possessing only a one year B.A.Degree course in



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History.

9. For the foregoing reasons, this Court does not find any merit in this writ petition, as only due to the fact that the petitioner is not possessing a three year B.A.Degree in History, the respondents have rejected the petitioner's candidature.

10. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.09.2024

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

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To:
The Secretary to the Government,
Department of School Education,
Fort St.George, Chennai-09.



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ABDUL QUDDHOSE, J.

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