



WP No. 3219 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

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CORAM

**THE HONOURABLE MR. JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K. RAJASEKAR**

WP No. 3219 of 2024

and

WMP Nos.3478, 3481, 3482 & 3484 of 2024

1. Silambu Vendhan,
S/o Senguttuvan, No 19, Ellaiamman
Koil Street, Ennore, Kathivakkam,
Thermal Station, Thiruvallur-600057

2. Pandian Kannusamy
S/o Kannusamy No 39,
Mandhiathoppu, Vedaranyam,
Nagapattinam District-614810.

3. Ganesan,
S/o Chinnappaiyan, 1/70,
Thoppanaickenpatty Natham North,
Rasipuram, Namakkal-637407.

4. Sangeetha Murugesan,
W/o Murugesan,
Kothamangalam, aliyur, Kilvelur
Nagapattinam-6111104.



5. JEEVA

W/o John Kennedy, 18, Kattabomman
Street, Radha Nagar, Chrompet,
Tambaram-600014.

6. Baskalnathan Thangaprakasam,
S/o Thangaprakasam 557(1) Anthoniyar
Koil Street, Konerirajapuram Post,
Thanjavur-613101.

7. Singaravel Sundaram,
S/o Sundaram, 377, Keela Mariyamman
Koil Street, Panaveli, Thiruvaiyaru
Taluk, Thanjavur-613101.

8. Vinayagamurthi,
S/o Rangasamy, 3/22 Mariamman Koil
Street Idaiyapattu, Veedur
Villupuram- 605652.

9. Bakkiaraj Eakanathan,
S/o Eakannathan 52/1, Mela Street,
Mullangudi, Kattumannarkoil,
Cuddalore-608302.

10. Pugazhendi Pannerselvam,
S/o Pannerselvam, 9 G South Street,
Virudahnaganallur, Manalmedu,
Mayiladuthurai-600202.

11. Satpathi Anandharasu
S/o Anadharasu, 137, Kudisethi,
Karpaganatharkulam,
Thiruthuraipoondi Taluk,
Thiruvarur-614703.



12. Devarajan Komalesan

S/o Komalesan 71, Alamara Street,
Sembedu, Guruvarapet,
Vellore-631101.

13. Jayagandhan,

S/o Rajendran, No 95, Arijan Colony,
S.Kaluvaipatti, Pudukottai-622201.

14. S. Gurumurthy,

S/o Selvraj Veerappan 208, North
Street, Main Road, Palakkudi,
Thiruvidadaimaruthur Taluk,
Thanjavur-612102.

15. Atleswaran,

S/o Kesavan, 77 D, Main Road, Radha
Nallur, Mayiladuthurai-609202.

16. PRAKASH

S/o Kanniappan, 8, Kulalar
Street, mandakiolathur,
Thiruvannamalai- 606904

17. Gnanasoundar,

S/o Ponnusamy, 3/312, Thuringipatti
Village, pettatalapalli,
Krishnagiri -635001.

18. Jagedeesn Shanmugham,

S/o Shanmugham, Thanneerpanthal
Kadu Mariyamman Koil Street,
Poolapallipatti Post, Namakkal-637406.



19. KALIDASAN

S/o Singaram, Kolagampatti Post,
PR Patti Taluk,
Dharmapuri District-636903

20. MANOKARAN

S/o Mathappan, 2/134 A, Bajanai Koil
Street, Eraiyur, Sunchalnatham,
Dharmapuri-636810

21. SARAVANAKUMAR

S/o Murugesan, 11/453, Vembur
Dindigul-624706

22. SILAMBARASAN

S/o Chinnasamy, Door No.3/111,
Errbayanaalli Post, Nekkundhi,
Dharmapuri-636813

23. Sathish Babu,

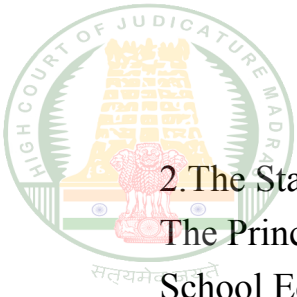
S/o Ramadoss, 370 Road Street,
Kalambai Thiruvannamalai-604502

Petitioner(s)

Vs

1. Union of India, Rep by

The Secretary to Government of India,
Ministry Human Resource and
Development, Shastri Bhavan, 2, Jeevan
Deep Building, Parliament Street, 2 (3)
West Block No 1, R.K.Puram,
New Delhi-110001.



2.The State of Tamil Nadu, Rep by,
The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-9

3.The Member Secretary,
National Council For Teacher Education,
Hans Bhavan, Wing II, 1, Bahdursha
Zafar Marg, New Delhi-110002.

4.The Director Of School Education,
School Education Department,
DPI Campus, College Road,
Chennai-600006

5.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
DPI Campus, College Road,
Chennai-600006.

6.The Member Secretary,
University Grants Commission,
Bahdursha Zafar Marg,
New Delhi-110002.

Respondent(s)

PRAYER

Declaring the re-issue of rules in G.O.Ms No 12 School Education (EE1(1)) Department, dated, 30.1.2020 and G.O.Ms No 13 School Education (S.E3(1)) Department, dated, 30.1.2020 in so far as Graduate Teacher (Tamil) issued by the 2nd Respondent as null and void offending the Fundamental Rights of the Petitioners and also consequential Clause 6 B of impugned notification No 03/2023, dated, 25.10.2023 in so far as Graduate Teacher (Tamil) issued by the 5th Respondent also null and void.



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For Petitioner(s): Mr.M.Kamalanathan

For Respondent(s): Mr. K.Gangadaran,
Central Government Standing
Counsel For R1

Mr.J.C.Durairaj,
Additional Government Pleader
For RR2 and 4.

Mr.J.Hari Krishna,
Standing Counsel For R3

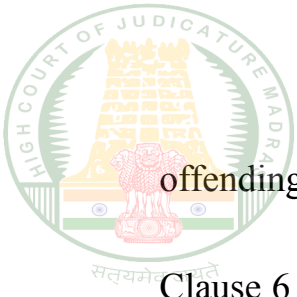
Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.C.Kathiravan, Standing
Counsel for TRB For R5

Mrs.V.Sudha,
Senior Panel Counsel For R6

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ of hand has been instituted, declaring the re-issue of rules in G.O.Ms No 12 School Education (EE1(1)) Department, dated, 30.1.2020 and G.O.Ms No 13 School Education (S.E3(1)) Department, dated, 30.1.2020 in so far as Graduate Teacher (Tamil) issued by the 2nd respondent as null and void



offending the Fundamental Rights of the petitioners and also consequential

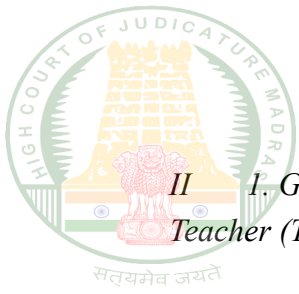
Clause 6 B of impugned notification No.03/2023, dated, 25.10.2023 in so far as

Graduate Teacher (Tamil) issued by the 5th respondent also null and void.

2. The present writ petition has been instituted challenging the Tamil Nadu Elementary Educational Subordinate Service Rules, prescribing educational qualification more specifically, for Tamil.

3. The main ground raised by the petitioners are that as per the impugned new Rules, for recruitment in Tamil Nadu Elementary Educational Subordinate Services and Tamil Nadu Education Subordinate Services, those qualified with B.A(Tamil)/B.O.L/B.Lit/Pulavar Pattayam with TPT are not eligible to be appointed as Graduate Tamil in the State Government. The petitioners who possess the B.Lit and Pulavar Pattayam Degree are ineligible to participate in the process of selection and therefore, they have chosen to challenge the Rules.

4. As per the Rules under challenge, the qualification for appointment to the post of Graduate Teacher in Tamil are as under:



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II I. Graduate By Promotion or by (a) Graduation and 2 year Diploma in Teacher (Tamil) transfer or by direct Elementary Education (by whatever name recruitment known)

or

Graduation with at least 50% marks and Bachelor in Education (B.Ed)

or

Graduation with at least 45% marks and Bachelor in Education (B.Ed), in accordance with the National Council for Teacher Education (Recognition Norms and Procedure) Regulations issued from time to time in this regard.

or

Higher Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor in Elementary Education (B.El.Ed.)

or

Higher Secondary (or its equivalent) with atleast 50% marks and 4-year B.A/B.Sc.Ed. or B.A.Ed/B.Sc. Ed

or

Graduation with atleast 50% marks and B.Ed. (Special Education)

and

(b) Pass in Teacher Eligibility Test (TET) for direct recruitment.

Provided that a person with B.Ed (Special Education) qualification shall undergo, after appointment, an National Council for Teacher Education recognized 6-month special programme in Elementary Education.

5. Prescribing educational qualification, age limit and other criteria for appointment to a post in Government Department is the policy decision of the



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Government which has been decided based on the expert opinion. The employer is empowered to prescribe the educational qualifications, which cannot be questioned merely on the ground that the degree possessed by the petitioners are also equivalent to that of the degree prescribed under the Rules. Even for declaration of equivalence between two Degrees obtained from various Universities across the Country, the Equivalence Committee duly constituted under the Rules has to make a recommendation and the Government has to accept and pass an appropriate order. Only in the event of Government passing an order granting equivalence, a candidate can claim that a particular degree possessed by him is equivalent to that of the degree prescribed for selection or appointment.

6. Prescription of qualification, age limit and other criteria for selection and appointment being prerogative of an employer, the very challenge made relating to educational qualification is misconceived and deserves no merit consideration.

7. The learned counsel for the petitioners would submit that the Government of Andhra Pradesh and Telangana has allowed such Degree as



equivalent. However, the comparison of States in the present case would be of no avail, since it is a State Government Service and every State Government is empowered to prescribe educational qualifications, age limit, etc., as per their policy decision. Therefore, comparing the educational qualifications prescribed in another State, the petitioners cannot claim that the same qualification also to be taken into consideration as a valid qualification for appointment to a Government post in the Tamil Nadu Government.

8. Thus, the petitioners have not established any right for the purpose of considering the relief and consequently, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions stands closed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)
08-04-2025

ssi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. Union of India

Rep by The Secretary to Government
Of India, Ministry Human Resource
And Development, Shastri Bhavan, 2,
Jeevan Deep Building, Parliament
Street, 2 (3) West Block No 1,
R.K.Puram, New Delhi-110001

2. The State Of Tamil Nadu Rep By,
The Principal Secretary To
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Department, Secretariat, Chennai-9

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