



W.P.No.39698 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

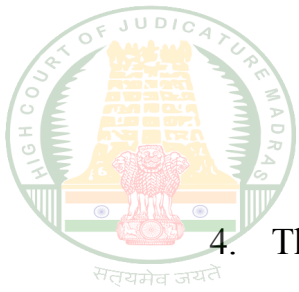
W.P.No.39698 of 2024
and W.M.P.Nos.42993 & 42994 of 2024

S.Anitha
D/o.Selvaraj

...Petitioner

Vs.

1. Government of Tamilnadu,
Rep. By Principal Secretary,
to Government
Higher Education Department
Secretariat
Chennai-600 009
2. The Director of Technical Education,
Chennai-600 025
3. The Additional Director (Examination)
Directorate of Technical Education,
Chennai-600 025



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4. The Chairman

WEB COPY Board of Examination,

Department of Technical Education,

Chennai-600 025.

5. S.Praveen Kumar

S/o Subramanian,

Proprietor, Jaya Type Writing Institute,

No.30/E9, E10, 1st Floor, Raj complex,

Near Palakattu Mariamman Koil,

Thuraiyur, Trichy District.

(R5 is impleaded as per order in
W.M.P.No.3259 of 2025 in W.P.No.39698
of 2024 dated 13.02.2025 by NMJ)

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus directing to call for the records relating to the Notification dated 15.12.2024 issued by the 2nd respondent, quash the same and consequential directions to the 2nd respondents to issues fresh Notification after calling for objection from the Stake-holders (Typewriting Institutes) and then revise the eligibility qualification.



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For Petitioner : Mr.J.Muthukumaran
For Respondents : Mr.C.Jayaprakash,
Government Advocate
for R1 to R4
Mr.J.Muthukumaran for R5

ORDER

Aggrieved by the minimum Educational Qualification stipulated for appearing in Shorthand English Senior Grade exams, the petitioner has filed the present writ petition.

2. The petitioner possesses Higher Secondary School Certificate (HSSC). Earlier for Typewriting English and Tamil examinations, the minimum Qualification required was pass in SSLC. According to the petitioner all of a sudden, without any advertisement, the 1st respondent revised the minimum qualification making a pass in intermediate grade of shorthand (English) examination mandatory / compulsory for appearing in short hand (English), Senior Grade examination. The practice during the past 60 years was that a candidate who passed SSLC could directly appear for short hand (English) Senior Grade examinations. The petitioner therefore, submitted a representation on



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12.12.2024 to the respondents to restore the past practise in respect of eligible qualifications and appearance for Typewriting English and Tamil and Short hand English and Tamil for Junior, Intermediate and Senior Grade examination. As the respondents even without considering the petitioner's representation, revised the minimum eligibility criteria for typewriting (English and Tamil) and Short hand (English and Tamil) by the impugned notification, the petitioner was constrained to file the above writ petition for the aforesaid relief.

3.The respondent filed a detailed counter statement stating that the impugned notification dated 15.12.2024, was published on the basis of syllabus published in the Department's Website after various stages of review by 4 IAS Officers, Chairman Board of Examinations, 28 Field and Subject experts, 11 Examination Officials, through the powers vested by the Chairman, Board of Examinations, under G.O.Ms.No.463, Education Department, dated 25.03.1988, to revise the Rules and Regulations for the curriculum and syllabus of various courses conducted by Directorate of Technical Education (DoTE).

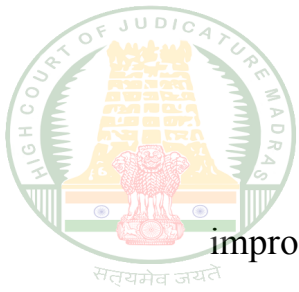


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4. According to the respondents, the draft syllabus with new rules and regulations and minimum qualifications were published by the Chairman, Board of Examination as early as on 1.09.2023. Thereafter, the 4th respondent, the Chairman Board of Examination, gave two chances for the candidates to appear for the Government Technical Examinations (GTE) as per old syllabus and rules and regulations. Further, the 4th respondent even after notifying the new revised syllabus and minimum qualifications on 01.09.2023, continued to conduct two examinations with the pre-revised minimum qualification and syllabus.

5. After giving reasonable time, the impugned notification was issued for examination to be conducted in February 2025, with the revised eligibility and syllabus. The respondents submitted that the syllabi for the Government Technical Education were not revised after 2001, except for minor changes in 2013. Hence, many representations were received from various stakeholders to revise the syllabi and eligibility of the Government Technical Education (GTE) as it was found to be below standards when compared to other States. The revision of syllabi and eligibility were undertaken due to the policy decision taken to



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improve skill development with good quality and bring its standards on par with the other States.

6.The respondents submitted that expert committee was formed to revise the existing syllabus and after multiple stages of review the same was finalised. The respondents submitted that the revision of minimum qualification was also a consequence of revision of syllabus, as a part of the syllabus which was included in the senior grade, was also placed in Junior Grade/Intermediate Grade and the new parts were added in the Senior Grade. The respondents submitted that, if a candidate directly appeared for Senior Grade Examination, he would have to miss out on curriculum that were included in Senior and Junior Grade. There were two expert Committees constituted, and the first meeting was held on 10.01.2023, wherein the State and the GTE Draft Syllabus with all features were discussed and the Circular was issued on 01.09.2023, in the Department's Website. A Public Interest Litigation in W.P.(MD).No.22571 of 2023 was filed before this Court, for issuance of mandamus, directing the respondents to give wide publicity for changing the minimum qualification and the syllabus. However, the said writ



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petition was dismissed. The Chairman Board of Examination gave two opportunities to the candidates to appear for GTE as per the existing syllabus for examinations conducted in February 2024 and August 2024. Further, The Chairman, Board of Examination, constituted another expert Committee with few more members to review the stakeholders' opinion. A meeting was conducted on 09.07.2024, and thereafter, the final syllabus was published on 31.07.2024. A few stakeholders filed W.P.(MD).No.25151 of 2024 and W.P.(MD).No.25207 of 2024 to implement the syllabus published on 31.07.2024, without any changes. This Court, by an order dated 23.10.2024, disposed of the said writ petitions, directing the respondents therein, to pass an order on the objections raised by the petitioners and others, to update the new syllabus and release the same in the web site, within a period of one month from the date of receipt of a copy of the order. Thereafter, the Chairman Board of Examination, considered all the objections posted by various candidates, stakeholders and Associations as per the Court's directions and reviewed the syllabus on 29.11.2024. Even after publishing the revised syllabus, the new syllabus was again revised by another team of Expert Committee members on 04.12.2024, 14.12.2024 and 17.12.2024



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and the Annexure to the New syllabus was published in the Department's

Website on 24.12.2024.

7. According to the respondents, step-by-step learning alone made a student skilful and therefore, permitting the candidate to appear directly in the higher grade examination resulted in the student missing out on many of the skill contents prescribed in the lower grade. The respondents finally submitted that the Court of law would not normally sit in review over the expert Committee's views, particularly in academic matters. The respondents therefore submitted that there were no merits in the writ petition and the same deserved to be dismissed.

8. The learned counsel for the petitioner submitted that for more than 60 years, the candidates who passed SSLC could directly appear for Senior Grade without passing Junior Grade and therefore, 2nd respondent ought not to have changed / revised the eligibility all of a sudden. According to the learned counsel, Shorthand and Typewriting were skill based and so the candidates who had the skill ought to be permitted to appear for Senior Grade Examination directly without appearing for the



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Junior Grade examination. Learned counsel further submitted that the impugned notification was not issued through proper advertisement and therefore, it was liable to be set aside.

9.The learned counsel for the respondents reiterated the averments made in the counter affidavit and submitted that the syllabus and the eligibility were revised on the basis of Expert Committee's opinion / report and therefore, this Court should normally not interfere with the Expert Committee's opinion. The learned counsel submitted that the writ petition had no merits and the same was liable to be rejected.

10.Heard learned counsel for the petitioner and learned counsel for the respondents and perused the materials available on record.

11. In view of the above narrative the point that arises for consideration is whether the revision of syllabus and eligibility criteria under the impugned notification is valid or not.

12. It is seen that, originally a person could appear for Senior Grade Typewriting examination - English and Tamil on the basis of his qualification of a pass in the SSLC/Matriculation examination. The said



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minimum qualification was revised by the impugned notification and the

revised qualification makes a pass in Junior Grade in the subject

concerned mandatory. It is seen from the counter affidavit filed by the

respondents that the revision was undertaken on the basis of the

representations received from various stakeholders complaining that the

syllabus of GTE was substandard when compared to the other states in

India. The Government therefore, to improve the skills thought it fit to

revise the syllabus in the GTE. For the said purpose an Expert Committee

was formed and the syllabus was revised. Though the draft syllabus was

published in the Department's website vide Circular dated 01.01.2023,

the same was not implemented immediately. Two chances were given by

the Chairman Board of Examination, to the candidates to appear for the

GTE, on the basis of existing syllabus for the examinations conducted in

February 2024 and August 2024. Thereafter, the syllabus was reviewed

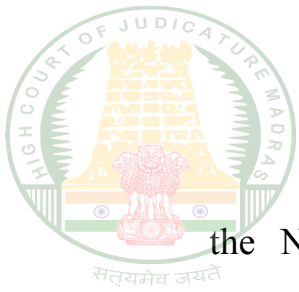
as litigations were instituted and objections were received from various

stakeholders and Associations. The revised syllabus was finally released

on 29.01.2024. Even after publishing the revised syllabus, the new

syllabus was also reviewed by another team of Expert Committee

members on 04.12.2024, 14.12.2024 and 17.12.2024 and the Annexure to



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the New syllabus was published in the Department's Website, on

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24.12.2024. It is therefore, clear that the revision of the syllabus was a well considered decision and based on the opinion of the Expert Committee formed for the said purpose. Moreover, ample time was given before implementing the new syllabus and eligibility criteria. It is trite that in academic matters this Court would not normally act as an Expert on the qualification, syllabus and eligibility as the same is best left to the opinion of the Experts in the field. In this regard useful reference can be made to the following judgments of the Hon'ble Supreme Court in ***Bihar Public Service Commission and others Vs. Kamini and others*** reported in **2007 (5) SCC 519** where in paragraph No.8 the Hon'ble Supreme Court, while considering the scope of Judicial review in the field of education, held as follows:

8. Again, it is well settled that in the field of education, a court of law cannot act as an expert. Normally, therefore, whether or not a student/candidate possesses requisite qualifications, should better be left to educational institutions (vide University of Mysore v. C.D. Govinda Rao!). This is particularly so when it is



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supported by an Expert Committee. The Expert Committee considered the matter and observed that a person can be said to be Honours in the subject if at the graduate level, he/she studies such subject as the principal subject having eight papers and not a subsidiary. optional or side subject having two papers. Such a decision, in our judgment, cannot be termed arbitrary or otherwise objectionable. The learned Single Judge, in our opinion, was, therefore, right in dismissing the petition relying upon the report of the Committee and in upholding the objection of the Commission. The Division Bench was in error in ignoring the well-considered report of the Expert Committee and in setting aside the decision of the learned Single Judge. The Division Bench, while allowing the appeal, observed that the "litmus test" was the admission granted to the first respondent by the Central Institute of Fisheries Education, Mumbai. According to the Division Bench, if the first respondent did not possess Bachelor of Science degree with Zoology, the Institute would not have admitted her to the said course. The Division Bench observed that not only the first respondent was admitted to the said course, she had passed it with "flying colours". In our opinion, the Division Bench was not right in applying



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"litmus test" of admission of the first respondent by the Central Institute of Fisheries Education, Mumbai. The controversy before the Court was whether the first respondent was eligible for the post of District Fisheries Officer, Class II. The correct test, therefore, was not admission by the Mumbai Institution. If the requirement was of Honours in BSc with Zoology and if the first respondent had cleared BSc Honours with Chemistry, it could not be said that she was eligible to the post having requisite educational qualifications. By not treating her eligible, therefore, the Commission had not committed any illegality.

13. So also in ***University Grants Commission Another Vs. Neha Anil Bobde (Godekar)*** reported in **2013 (10) SCC 519** it was stated that:

*31. We are of the view that, in academic matters, unless there is a clear violation of statutory provisions, the regulations or the notification issued, the courts shall keep their hands off since those issues fall within the domain of the experts. This Court in *University of Mysore v. C.D. Govinda Rao*, *Tariq Islam v. Aligarh Muslim University* and *Rajbir Singh Dalal v.**

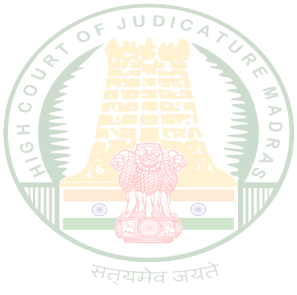


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Chaudhary Devi Lal University 10, has taken the view that the court shall not generally sit in appeal over the opinion expressed by the expert academic bodies and normally it is wise and safe for the courts to leave the decision of the academic experts who are more familiar with the problem they face, than the courts generally are. UGC as an expert body has been entrusted with the duty to take steps as it may think fit for the determination and maintenance of standards of teaching, examination and research in the university. For attaining the said standards, it is open to UGC to lay down any "qualifying criteria", which has a rational nexus to the object to be achieved, that is, for maintenance of standards of teaching, examination and research. The candidates declared eligible for Lectureship may be considered for appointment as Assistant Professors in universities and colleges and the standard of such a teaching faculty has a direct nexus with the maintenance of standards of education to be imparted to the students of the universities and colleges. UGC has only implemented the opinion of the experts by laying down the qualifying criteria, which cannot be considered as arbitrary. illegal or discriminatory or violative of Article 14 of the Constitution of India.



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14.I therefore find no merits in the writ petition and the same is dismissed. Consequently, connected miscellaneous petitions are closed.

There shall be no order as to cost.

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vsn

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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N.MALA,J.

vsn

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