

W.P.(MD) No.16262 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 17.07.2025

Pronounced On : 31.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.16262 of 2017

and

W.M.P.(MD)No.12935 of 2017

R. Thiyagarajan, aged 48 years,
S/o.G.Ramachandran
No.5, Nammalvar Main Street,
Chokkalingam Nagar 1st Street,
Koodalnagar,
Madurai.

... Petitioner

Vs.

1. Teachers Recruitment Board
Represented by its Chairman,
4th floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chetpet, Chennai.

2. The Member Secretary,
Teachers Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chetpet, Chennai.

3. The Director of Teacher Education Research and Training,
College Road,
Chennai.

... Respondents



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PRAYER in W.P.:

To issue a writ of Certiorarified mandamus, or any other Writ or Order or Direction in the nature of Writ, calling for records pertaining to the impugned proceedings of the 2nd respondent in R.C.No.352/L4/A8/2017 dated 20.03.2017 and its consequential letters in Moo.Mu.No. 1582/A8/2016 dated 08.04.2017 and OO.Mu.No.3805/A8/2017 dated 26.05.2017 and quash the same and consequently directing the respondents to appoint the petitioner for the post of Senior Lecturer in District Institutes of Education and Training (DIET) called for vide advertisement No.03. dated 31.12.2011 and pass such further of other orders as this Court may deem fit and proper to the circumstances of the case and thus render justice.

PRAYER in W.M.P.:

To grant an ad interim direction to the Respondents to earmark one vacancy in the post of Senior Lecturer in District Institutes of Education and Training (DIET) till the disposal of the above writ petition and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.T.Amjad Khan
Additional Government Pleader



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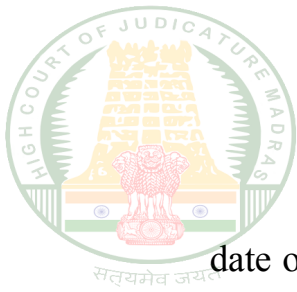
JUDGMENT

Heard.

2. The petitioner was appointed as a Lecturer in the District Institute of Education and Training (DIET), Madurai, on 08.01.2007, pursuant to Teachers Recruitment Board (TRB) Notification No. 2 of 2006-2007 dated 19.08.2006. At the time of appointment, the petitioner had secured 54.14% marks in M.Ed., but subsequently improved his score to 55.57% through an improvement examination held in November 2007.

3. The petitioner participated in the process for direct recruitment to the post of Senior Lecturer in Botany under Notification No. 03/2011 dated 31.12.2011 issued by the TRB. His candidature was rejected by the impugned proceedings dated 20.03.2017 and 08.04.2017, which culminated in a final rejection by the TRB under order dated 26.05.2017.

4. The principal ground for rejection was that the petitioner did not possess the requisite 55% in M.Ed. as on the date of his initial appointment in January 2007. The authorities proceeded to compute the required five years of teaching experience only from November 2007, the



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date on which the petitioner acquired 55.57% marks. Consequently, as on the cut-off date of 23.01.2012 as per Notification No.03/2011, the petitioner was held to have only 4 years, 2 months, and 22 days of experience, and therefore, ineligible.

5. The authorities further held that the benefit of the saving clause under Rule 5 of the Ad hoc Rules issued in G.O. Ms. No. 133, School Education Department, dated 14.06.2007, as amended by G.O. Ms. No. 261, School Education (U2), dated 07.09.2010, would apply only to promotion or transfer cases, and not to direct recruitment.

6. In the considered view of this Court, the interpretation placed by the respondents on the Rule 5 is legally untenable. The saving clause in G.O. Ms. No. 133, School Education Department, dated 14.06.2007, reads as follows:

“Notwithstanding anything contained in these rules, persons already holding the post of Senior Lecturer, Lecturer in Directorate of Teacher Education Research and Training and District Institutes of Education and Training on the date of issue of these Rules shall not be adversely affected solely by reason of his not possessing any of the qualifications specified in these Rules.”

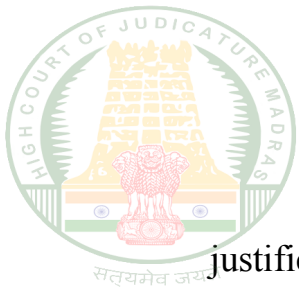


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This clause is designation-based and does not qualify its scope by the mode of recruitment. Its clear object is to insulate incumbents or those otherwise qualified as on 14.06.2007 from disqualification solely on the basis of the newly prescribed academic thresholds—namely, 50% in P.G. and 55% in M.Ed.

7. The further observation that the saving clause is confined only to promotion or recruitment by transfer finds no support in the text. Neither G.O. Ms. No. 133 nor G.O. Ms. No. 261 imposes such a restriction. The protection is framed in broad, unqualified terms and is meant to ensure continuity of eligibility for those already in position or qualified as on the cutoff date. To read the clause as excluding direct recruitment is to rewrite the rule and frustrate its protective intent.

8. The finding of the TRB that the petitioner's qualifying service must be reckoned only from November 2007 - when he secured 55.57% in M.Ed. - ignores the legal fiction created by the saving clause. Once exempted from the application of the enhanced marks criteria, the petitioner's continuous service from 08.01.2007 ought to have been counted in full for the purpose of experience. There was no legal



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justification to exclude the initial period of service on the basis of marks, which were expressly rendered non-disqualifying.

9. Further, the proviso to G.O. Ms. No. 261, School Education (U2), dated 07.09.2010, reads as follows:

“Provided that nothing contained in these rules shall adversely affect the persons who have been recruited and appointed through the Teachers Recruitment Board’s Notification No.2/2006-2007, dated the 19th August 2006.”

This provision explicitly safeguards all appointees under the said Notification - under which the petitioner was selected on 08.01.2007 - from the operation of the enhanced qualification norms. The petitioner thus falls squarely within the ambit of both the general saving clause in G.O. Ms. No. 133 and the specific protection extended under G.O. Ms. No. 261.

10. Accordingly, the impugned proceedings dated 20.03.2017, 08.04.2017, and 26.05.2017, rejecting the candidature of the petitioner for direct recruitment to the post of Senior Lecturer in Botany under Notification No. 03/2011, are hereby quashed.



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11. The respondents are directed to reconsider the candidature of the petitioner for appointment to the post of Senior Lecturer in Botany under Notification No. 03/2011, afresh and on merits, treating him as fully qualified under the saving clause of G.O. Ms. No. 133 read with G.O. Ms. No. 261, and compute his five years of service from 08.01.2007 without reference to the marks obtained in the November 2007 improvement examination. Such consideration shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

12. The writ petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

31.07.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

To

1. The Chairman,
Teachers Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chetpet, Chennai.

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DR. A.D. MARIA CLETE, J.

LS

2. The Member Secretary,
Teachers Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chetpet, Chennai.

3. The Director of Teacher Education Research and Training,
College Road,
Chennai.

Pre-delivery Judgment made in
W.P. (MD) No.16262 of 2017

31.07.2025