

W.A.(MD)No.2158 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.2158 of 2023
and
CMP(MD)No.17312 of 2023**

1. The Joint Director,
School Education Department,
(Higher Secondary School),
College Road, DPI Compound,
Chennai -6.

2. The Chief Educational Officer,
O/o.The Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

3. The District Educational Officer,
O/o.The District Educational Office,
Paramakudi, Ramanathapuram District.

4. The Headmaster,
Government Higher Secondary School,
Pathibanur,
Ramanathapuram District.

... Appellants

vs.



W.A.(MD)No.2158 of 2023

R.Deebarani

... Respondent

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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P(MD)No.5571 of 2023, dated 21.03.2023.

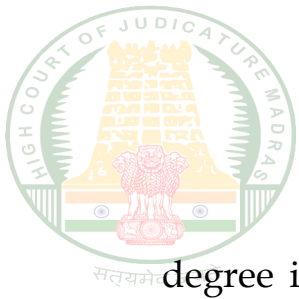
For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondent : Mr.G.Prabhu Rajaduarai for
Mr.C.Venkatesh Kumar

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This writ appeal is directed against the order made in W.P(MD)No.5571 of 2023, dated 21.03.2023.

2. The respondent / writ petitioner is working as a B.T. Assistant (Tamil) in Government Higher Secondary School. She sought to be empaneled for the post of P.G. Assistant (Tamil). She completed M.A. Degree in Tamil as well as B.Ed. However, her case for empanelment was negatived on the ground that she had acquired dual

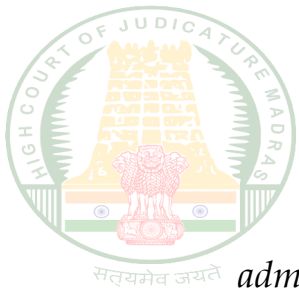


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degree i.e., she acquired M.A(Tamil) and B.Ed., simultaneously in the same academic year. Challenging the same, she filed the writ petition and the Writ Court, holding that the above two degree courses acquired by the respondent were not dual degrees, allowed the writ petition. The relevant passage of the order passed by the Writ Court is extracted hereunder:

"4.After carefully considering the rival contentions, I am more than satisfied that the writ petition has to be allowed. The petitioner joined M.A. academic programme in the year 2002. After completing the first year, she discontinued the said Post Graduate course. Thereafter, she joined B.Ed. degree course in the year 2003 – 2004. After successfully completing the same, she rejoined M.A. degree in the second year. She was readmitted and she successfully completed the said Post Graduate course in May 2005. On the face of it, there appears to be broad over-lapping. But in fact, that is not the case. Post Graduate degree was acquired by the petitioner by pursuing the course during the following years (ie., 2002 – 2003 and 2004 – 2005). B.Ed. course was undergone during the intervening period (ie., 2003 – 2004). A mere look at the sequence of events would indicate that there was no over-lapping at all. The learned senior counsel draws my attention to the certificate issued by Annamalai University. It clearly states that the petitioner was re-



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admitted to second year during the year 2004 – 2005. When a similar issue arose before the Hon'ble Division Bench, the Hon'ble Division Bench vide order dated 24.11.2017 made in W.A.(MD)No.1035 of 2017 held as follows:-

"2. The controversial question involved in this case is whether the respondent herein had completed his M.A. degree and B.Ed. degree simultaneously so as to treat his as ineligible for being considered for the post of P.G. Assistant. The learned Single Judge, having gone through the relevant materials, found that the respondent had completed the first year of M.A. Degree course by 2008 and after discontinuing the same, he had joined the B.Ed. Course in the year 2008 and completed the same by the year 2010 and thereafter, he had continued the M.A. Degree by re-joining the course in the year 2010 and completed the same in the year 2011, and thereby allowed the writ petition directing the appellant to consider the case of the respondent herein for the post of PG Assistant. Challenging the same, the present writ appeal has been filed by the Teachers Recruitment Board.

3. On going through the materials placed before us and the order passed by the learned Single Judge, especially, the copy of the certificate issued by the Annamalai University to show that the respondent had done his first year degree in M.A. during the period 2007-2008 and 2010-2011 and he had discontinued the interregnum period viz., 2008-2009 and 2009- 2010 and also the copy of the B.Ed., certificate of the respondent, produced at page 5 of the typed set of papers, we find that the learned Single Judge has rightly held that the respondent has done both the courses in different academic



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years and it cannot be treated as having been done simultaneously."

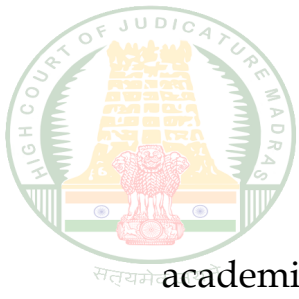
5.The case on hand is absolutely similar. In this view of the matter, the impugned order is quashed. It is declared that the petitioner is very much entitled to be considered for the post of P.G. Assistant. She shall be included in the petition mentioned panel and the petitioner's case will be considered on that basis.

6.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed."

Against the said order, this writ appeal is filed by the Education Department.

3. The crux of the contention made by the learned Additional Government Pleader appearing for the appellants is that the respondent had completed M.A(Tamil) and B.Ed., in the same academic year, as such, it amounts to dual degrees and therefore, she is not entitled to promotion to the post of P.G. Assistant (Tamil). Thus, he would pray for setting aside the order passed by the Writ Court.

4. The learned counsel for the respondent would submit that the respondent had completed M.A(Tamil) and B.Ed., in different



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academic years and therefore, it cannot be said to be dual degrees and the learned Judge has rightly considered the same and allowed the writ petition. Thus, the impugned order does not require interference by this Court.

5. Heard both sides.

6. As rightly held by the Writ Court, the respondent joined M.A(Tamil) degree in the year 2002. After completing the first year, she discontinued the said course and joined B.Ed. degree course in the year 2003 – 2004. After successfully completing B.Ed., she was re-admitted to M.A(Tamil) degree in the second year and she successfully completed M.A(Tamil) in May 2005. Therefore, it could be seen that both the degrees have been obtained by the respondent in different academic years and therefore, it cannot be said that they are dual degrees. Mere discontinuation of M.A(Tamil) after it's first year and completion of B.Ed degree in the interregnum and then re-admission to the second year of post graduate degree, will not amount to dual



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degrees, since both the degrees have been obtained in different academic years. The learned Judge has rightly dealt with the same and allowed the writ petition. We do not find any infirmity in the said order.

7. Accordingly, the Writ Appeal is dismissed. No costs.

Connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
09.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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