



W.P.No.32124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 23.03.2026

PRONOUNCED ON: 02.04.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32124 of 2024

V.Kirubanandam

...Petitioner

-VS

1. The Director,
Elementary Education Department,
DPI Campus, College Road,
Chennai – 600 006.

2.The Joint Director,
Aided Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

3. Chief Educational Officer,
Chief Educational Office,
Krishnagiri District,
Krishnagiri.

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4. The District Elementary Officer,
District Elementary Education Office,
Krishnagiri.

5. Block Education Officer,
Krishnagiri Union,
Krishnagiri.

6. IELC Aided Middle School,
Rep by its Correspondent,
167/26, TB Road,
Krishnagiri 635 002

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records pertaining to proceedings Na.Ka.No.2203/A6/2024 dated 15.10.2024 issued by the 4th respondent quash the same and direct the respondents 4 and 5 to approve the appointment of the petitioner as BT Assistant in the 6th respondent-School and disburse all attendant benefits.

For Petitioner : Mr.R.Subramanian
for Mr.B.Ravi

For Respondents : Ms.Mythreye Chandru
1 to 5 Special Government Pleader

For Respondent-6 : Mr.T.Sezhian



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ORDER

The above writ petition has been filed seeking to quash the proceedings of the 4th respondent in Na.Ka.No.2203/A6/2024 dated 15.10.2024 and consequently to direct the respondents 4 and 5 to approve the appointment of the petitioner as B.T Assistant in the 6th respondent-School and to disburse all attendant benefits.

2. The brief facts which have given rise to the above writ petition are as follows:

(i) On 01.02.2024, the petitioner was appointed as B.T Assistant (History) in the 6th respondent School and he had joined the services of the School on the very same day. On 01.02.2024, a proposal for the approval of his appointment was forwarded by the 6th respondent to the 5th respondent along with a covering letter. A copy of the same was also marked to the 4th respondent. By

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proceedings dated 03.04.2024, the 5th respondent had called for the following clarifications:

(a) As per the approved workload, 9 posts of secondary grade teachers had been sanctioned and as per the student strength, 5 teachers could be appointed directly, while 3 of them are surplus.

(b) The surplus teachers were to be promoted and there could be no direct appointment in view of G.O.Ms.No.165 dated 17.09.2019.

(c) Since the school is under the control of IELC, which has other institutions under its umbrella, a certificate should be obtained that there was no surplus history B.T. Assistants in other institutions under the control of IELC.



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(d) The petitioner had completed B.A(History) during the academic period July 2019-May 2022 and B.Ed Diploma during the period January 2020 – July 2022. Therefore since he had completed B.A (History) and B.Ed in the same year, he is not eligible.

(e) As per G.O.Ms.243, B.T Assistant post should be filled up only from Secondary Grade Teachers and in the absence of the qualified teachers, the appointment has to be made through the Teachers Recruitment Board.

3. The petitioner had submitted a detailed explanation to each of the queries raised by the 5th respondent. In the explanation dated 12.04.2024, the petitioner had stated as follows:



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a) The three surplus Senior Grade Teachers were not eligible for promotion as they are graduates in Tamil (B.A Tamil).

(b) There is no surplus B.T Assistant Teacher(History) in any of the Schools under the control of IELC.

(c) Passing of TET is not mandatory for minority institution, as per the order passed in W.A.No.313 of 2002.

(d) The petitioner had completed B.A(History) and M.A (English) and thereafter he had completed B.A History and B.Ed., from different universities during different period of time.



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(e) If a candidate undergoes the distance education course at different timings but during the same academic year, he or she would be eligible for promotion.

(f) The Secondary Grade Teachers do not qualify for promotion.

(g) Recruitment through the Teacher Recruitment Board is not applicable to minority institutions.

Therefore, in the light of the above explanation the 6th respondent had requested the 1st respondent to approve and release the salary.



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4. The University Grants Commission had come forward with the National Education Policy, 2020 in April 2022, wherein certain guidelines were issued under the said Policy.

a) A student can undergo two full time academic programme in physical mode provided that the class timings do not overlap.

b) A student can simultaneously pursue full time academic programme in physical mode and another through distance education.

c) A Degree / Diploma Programme can be pursued only from institutions recognized by the UGC/Statutory Council / Government of India for running such programmes.



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5. These guidelines were also referred to by the 6th respondent in their response. Since no action was taken on the request for approval, the petitioner filed W.P.No.23666 of 2024 seeking a direction to the respondents to approve the proposal relating to his appointment. By order dated 20.08.2024, this Court had directed the authorities to consider the representation and pass appropriate orders. The said order was also communicated by the petitioner to the 5th respondent pursuant to which the impugned order dated 15.10.2024 came to be passed.

6. The request for approval was rejected on the following grounds.

a) The petitioner had obtained dual degrees in the same year.

b) The petitioner had not passed the TET.



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Thus aggrieved by the said order, the petitioner has come forward with the present writ petition.

7. The 5th respondent has filed a counter for himself and on behalf of the respondents 1 to 4. In the counter, he would admit that one post of B.T Assistant (History) had fallen vacant on 28.03.2023 due to the retirement of the earlier incumbent. He would further contend that the UGC guidelines are prospective in nature and not retrospective and therefore, any dual degrees obtained prior to the said guidelines cannot be considered. According to the respondents, the petitioner had pursued the B.Ed. degree in 2020 while simultaneously pursuing his B.A. (History) degree. They would further submit that Rule 28(2) of the Tamil Nadu Private Schools Rules, 2023 would prescribe that appointments to various categories of teaching staff should first be made by deployment of teachers from any other aided private school in the same cadre drawing salary

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from the Government grant. If no candidate is available for deployment, the appointment should be made by promotion from among the qualified teachers in the feeder category in that school, and only in the absence of such candidates, the vacancy can be filled by direct recruitment. They would also submit that the Full Bench of this Court has held that where a candidate pursues two independent courses simultaneously, such a candidate would be disqualified. Therefore, they sought for dismissal of the writ petition.

8. The 6th respondent has filed a counter affidavit more or less adopting the petitioner's contentions and contending that, out of the 9 posts of Senior Grade teachers which are permissible, three posts are in excess and one post is vacant. Therefore, the appointment is sought only in the approved vacant post. They would therefore pray that the appointment of the petitioner be approved.



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9. Mr. R.Subramanian, learned counsel appearing on behalf of the petitioner, would submit that the UGC Regulations have been modified to the effect that where two degrees had been pursued in the same academic year, it would be a bar. However, the petitioner had undergone two correspondence courses, one in a calendar year and the other in an academic year and therefore, it is not a bar and it does not disqualify the candidate. In this regard, he would rely upon the judgment of the Hon'ble Supreme Court reported in **2022 (11) SCC 692 [A. Dharmaraj v. The Chief Educational Officer, Pudukkottai & Others]**, wherein it has been held that where the petitioners therein had obtained degrees in two different years, both through correspondence, then the bar under Rule 14 would not apply. Ultimately, the civil appeal was allowed and directions were issued to promote the appellant therein. He would submit that the UGC Regulations have also now come into existence which permit the

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candidates to pursue two courses at different times. Therefore, he would submit that the impugned order cannot be sustained.

10. Ms.S.Mythreye Chandru, learned counsel for respondents 1 to 5, would fairly concede that she was not canvassing the second ground on which the request has been rejected, namely that the petitioner has not passed TET. She had however made her submissions on the correctness of the order relating to the dual degrees. She would submit that since the courses admittedly have been pursued simultaneously, the petitioner was not qualified and consequently, the impugned order cannot be found fault with.

11. Heard the learned counsels on either side and perused the materials available on record.



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12. The issue now engaging the attention of this Court is whether the dual degrees obtained by the petitioner have been obtained by him simultaneously and therefore, disqualify him for appointment.

13. The records would show that the petitioner had completed his B.A.History through distance education from Annamalai University between the period from July 2019 to May 2022 in the academic year whereas his B.Ed correspondence course was undergone in the calendar year from January 2020 to January 2022. The above dates would clearly indicate that the petitioner has not simultaneously undergone both degrees but had undergone in two different periods, one in the academic year and other in the calendar year.



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14. The word “simultaneously” means at the same time, concurrently, in unison, etc. Therefore, the two courses have not been undergone simultaneously. On the contrary, when the petitioner was midway in the first year of B.A. History, he had commenced the B.Ed course in January 2020. Therefore, it could be stated that after January 2020, the petitioner had parallelly done B.A. History and the B.Ed course and not simultaneously.

15. The Full Bench Judgment reported in ***2021 SCC Online Mad 17024 [R.Chitra Vs. Member Secretary, Government of Tamil Nadu]*** of which I was a party, and which was pronounced on 26.04.2021, had answered the reference that a candidate cannot **obtain dual degree simultaneously in the same academic year.** The distinguishing factor in the instant case is that the petitioner has undergone in one course in the academic year and the other course



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months later in the calendar year and therefore, would not run foul of the dicta of the Full Bench Judgment.

16. The Division Bench of this Court in an unreported judgment in *W.A.No.2928 of 2019 [R.Mekala Vs The Director of School Education, College Road, Chennai – 6]* was considering an appeal challenging the order of the single Judge dismissing the writ petition. In that case, the petitioner's candidature had been rejected on account of the fact that she had undergone dual degree courses for B.Lit and B.Sc. Geography. The Bench extracted the educational journey of the petitioner in a tabulated statement, a reading of which would indicate that each of the courses set out therein had not been taken simultaneously.

17. The learned Judges after extracting portions of the Full Bench went on to hold that since the candidate had not obtained the



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degrees by studying in the same academic year, the finding of the learned Single Judge was erroneous. The Division Bench had observed as follows in Paragraph No.11.

“11. Therefore, even though we are entirely in agreement with the submission of the learned Special Government Pleader for the respondents that the stream of 10+2+3+2 cannot be violated for the purpose of appointment to a particular post and it is evident from the tabular column extracted supra that there is overlapping of the final year of B.Litt course and first year of B.Sc (Geography), it is made clear that the candidate has not obtained both degrees by studying in the same academic year. Hence, we are of the view that the appellant’s candidature can be considered for appointment to the post of B.T. Assistant (Geography).”



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18. The facts of the instant case are also similar to the above. The petitioner had commenced the B.A. History course in the academic year and the B.Ed. correspondence course had been undergone 6 months after the B.A. History course had commenced. Therefore, the two degrees were not commenced simultaneously in the same academic year. Therefore, the impugned order has to necessarily be set aside and is accordingly set aside. Accordingly, the writ petition is allowed. The respondents 4 and 5 are directed to approve the appointment of the petitioner as B.T. Assistant in the 6th respondent-School and disburse all attendant benefits. No costs.

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Index : Yes/No

Internet :Yes/No

Neutral Citation : Yes/ No

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To:

1. The Director,
Elementary Education Department,
DPI Campus, College Road,
Chennai – 600 006.
2. The Joint Director,
Aided Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Chief Educational Office,
Krishnagiri District,
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4. The District Elementary Officer,
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5. Block Education Officer,
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6. Correspondent,
IELC Aided Middle School,
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Krishnagiri 635002

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P.T.ASHA, J.,

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