



W.A(MD) No.1778 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

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&

C.M.P.(MD)No.7641 of 2021

- 1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of School Education,  
Fort St.George,  
Chennai-600 009.
- 2.The Director of School Education,  
College Road,  
Chennai-600 006.
- 3.The Chief Educational Officer,  
Chief Educational Office,  
Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,  
District Educational Office,  
Kuzhithurai, Kanyakumari District.

... Appellants /  
Respondents 1 to 4

Vs.



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1.D.Mary Merlin Manju

... 1<sup>st</sup> Respondent / Writ Petitioner

2.The Correspondent,  
Pius XI Higher Secondary School,  
Thoothoor, Kanyakumari District.

... 2<sup>nd</sup> Respondent / 5<sup>th</sup> Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 18.11.2016 passed in W.P. (MD)No.22085 of 2016 on the file of this Court and allow the writ appeal and dismiss the writ petition.

For Appellant : Mr.T.Amjadkhan  
Government Advocate

For Respondent : Mr.S.C.Herold Singh

### **JUDGMENT**

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The State Government has filed this writ appeal questioning the order dated 18.11.2016 made in W.P.(MD)No.22085 of 2016 filed by the first respondent herein.



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2. The first respondent herein was appointed as BT Assistant (Tamil) in the second respondent school. The second respondent is a minority institution. On 01.06.2012, the management submitted proposal seeking approval of the appointment. The proposal was returned on 26.08.2015 and it was re-submitted on 11.08.2016. The appointee filed W.P.(MD)No.22805 of 2016 seeking approval of her appointment and for disbursement of the monetary benefits. Before the learned single Judge, the department primarily argued that the appointee does not possess TET qualification. The learned single Judge rightly took the view that since the institution in question is a minority institution, the appointee need not have TET qualification. The issue is presently pending for consideration before the Larger Bench of the Supreme Court. In that view of the matter, the writ petition was disposed of with a direction to the authorities to approve the appointment of the writ petitioner and disburse the grant-in-aid towards her salary arrears with effect from the date of her appointment. Challenging the same, this writ appeal has been filed.



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3. The learned Government Advocate appearing for the appellant submitted that the appellant lacks the eligibility qualification for being appointed to the post of BT Assistant (Tamil). He pointed out that the appellant is possessing the following qualifications:-

(I) B.Sc (Zoology) (1997)

(II) B.Ed (2006)

(III) B.Lit (2011)

The writ petitioner could not have been appointed as BT Assistant (Tamil) on the strength of her qualification in science. Of-course, B.Lit degree is considered as an equivalent. But then, it must be a three years duration. The writ petitioner obtained B.Lit degree through distance education for a period of one year. This one year duration degree is colloquially called as dual degree. The Madras High Court in the decision reported in **2012 (5) CTC 129 (Thirunavukkarasu Vs. State of Tamil Nadu)** had held that such degrees cannot be recognized for the purpose of appointment. In that view of the matter, the learned Government Advocate called upon this Court to set aside the impugned order and allow this writ appeal.



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4. Per contra, the learned counsel appearing for the writ petitioner submitted that Thirunavukkarasu's decision was rendered on 14.08.2012. The writ petitioner was appointed on 01.06.2012 ie., before the Thirunavukkarasu's decision was pronounced. He drew our attention to the order dated 20.07.2017 made in W.P.(MD)No.12639 of 2016 (The Secretary Vs. State of Tamil Nadu). He pointed out that a learned single Judge of this Court after referring to the Thirunavukkarasu's decision granted relief to the appointee who was appointed prior to 14.08.2012. He called upon this Court to sustain the impugned Judgment of the learned single Judge and dismiss the writ appeal.

5. We carefully considered the rival contentions and went through the materials on record.

6. In Thirunavukkarasu's decision, the validity of the dual degrees (one year duration) were specifically considered and direction was given to the authority not to recognize, both for appointment as well as for promotion, the dual degrees obtained by candidates after undergoing a



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course of a duration of one year, as equivalent to a degree obtained after undergoing a course of a duration of 3 years. This decision of the learned single Judge was confirmed by the Hon'ble Division Bench in W.A.No. 529 of 2013 etc., batch on 05.02.2014. The same view was also taken subsequently by another Division Bench in W.A.No.1622 of 2017 on 18.01.2018. It is true that in Thirunavukkarasu's case, even while allowing those writ petitions, direction was given to the authorities not to recognize such dual degree even for appointment purpose. Thus, the learned single Judge went beyond the scope of the issue raised in the writ petition and gave a general direction in larger interest. This direction given by the learned single Judge was specifically affirmed by the Hon'ble Division Bench also in writ appeal. Therefore, a contra view could not have been taken by another single Judge in W.P.(MD)No. 12639 of 2016. We have no hesitation in holding that W.P.(MD)No. 22085 of 2016 was wrongly decided.

7. The learned Government Advocate appearing for the appellants points out that as per Annexure 5(2) of Tamil Nadu Recognized Private School (Regulation) Rules, the eligibility qualification has been prescribed as BT Assistant, BA or B.Lit or equivalent.



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8. In view of the aforesaid binding decision of this Court, B.Lit after undergoing a course of a duration of one year cannot be considered as equivalent to regular B.Lit or B.Sc or B.A degree. In this view of the matter, the order of the learned single Judge is set aside. The writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.K.M., J.)  
11.02.2026

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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**G.R.SWAMINATHAN, J.**  
**AND**  
**R.KALAIMATHI, J.**

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