



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2013

CORAM:

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

W.P. (MD) No.12723 of 2013

and

M.P. (MD) No.1 of 2013

Mrs.V.Rosegeetha

..Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai 09.

2.The Director,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring the non selection of the petitioner to the post of Post Graduate Assistant (Tamil) as null and void and illegal and consequently to direct the respondents to consider the petitioner's qualification of M.A., degree in Tamil passed after completing B.Ed., degree as eligible and appoint the petitioner to the post of Post Graduate Assistant (Tamil) with consequential benefits within the time stipulated by this Court.

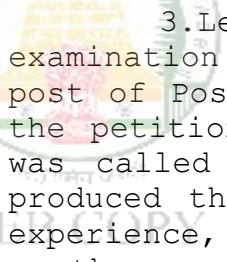
For Petitioner : Mr.S.Rajasekar

For Respondents : Mrs.S.Bharathi, G.A.

O R D E R

The petitioner seeks for a declaration, declaring his non-selection to the post of Post Graduate Assistant (Tamil) as null and void and consequently prayed for a direction to the respondents to consider his qualification of M.A., degree in Tamil passed after completing B.Ed., degree as eligible and to appoint him to the post of Post Graduate Assistant (Tamil) with consequential benefits.

2.Based on the averments made in the supporting affidavit, Mr.S.Rajasekar, learned counsel for the petitioner submitted that after completing B.A.(Tamil) in April 2005, the petitioner joined in B.Ed. degree in Bharathidasan University in 2006. Prior to that, the petitioner joined M.A.(Tamil) first year, in Annamalai University (Distance Education), for the academic year 2005-2006. After completing the first year in M.A.(Tamil), the petitioner discontinued the said course. In the mean time, he completed B.Ed., in April 2007. Thereafter, in the year 2008, the petitioner continued his M.A.(Tamil) degree and completed the same.



3. Learned counsel for the petitioner further submitted that in the examination conducted by the Teachers Recruitment Board, Chennai, for the post of Post Graduate Assistants / Physical Education Directors Grade-I, the petitioner has come out successfully. On 30.10.2012 the petitioner was called for certificate verification and though the petitioner has produced the certificates on 30.10.2012 and possess sufficient teaching experience, he was not selected for the post of Post Graduate Assistant on the ground that he had obtained M.A.(Tamil) degree and B.Ed., degree in the same year. According to the learned counsel for the petitioner, the petitioner completed B.Ed., degree course in Bharathidasan University in April 2007, whereas, he has completed his M.A.(Tamil) second year, only in the year 2008. Therefore, it cannot be construed that the petitioner had perused M.A.(Tamil) degree and B.Ed., degree in the same year. He therefore, submitted that the rejection of the candidature of the petitioner to the post of Post Graduate Assistant (Tamil) is erroneous. For the above said reasons, he prayed for issuance of Writ of declaration and the consequential relief stated supra.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. Even as per the averments of the petitioner, he has joined B.Ed., degree course in Bharathidasan University in 2006. The duration of B.Ed., degree course is of one year. As per the certificate issued by the Bharathidasan University, Faculty of Education, the petitioner, has passed the written and practical test in the examination held in April 2007. As per the averments of the petitioner, he has joined M.A.(Tamil) in Annamalai University for the academic year 2005-2006. M.A.(Tamil) is a Post Graduate course and the period of study is two years, commencing from 2005 to 2007. A student, who joins a particular course or programme, for a degree or certificate, as the case may be, conducted by the examining body of a University, in normal circumstances, has to undergo the period of study for the duration of the said course or the programme, as per the University regulations. In the case on hand, admittedly, the petitioner has joined M.A.(Tamil) in Annamalai University (Distance Education) with the specific period of study for the year 2005 - 2007. According to the petitioner, he has discontinued the course in 2006 and pursued the second year M.A.(Tamil) from Annamalai University (Distance Education) in the year 2007. There was a break in study of M.A.(Tamil) course from 2006-2007 and that therefore, the petitioner has contended that the said period ought not to have been taken into consideration by the respondents, as the period of study or for the matter that, the petitioner had acquired M.A.(Tamil) and B.Ed., degree in the same year.

6. As per his own averments, it is evident that the petitioner was a student of M.A.(Tamil) from Annamalai University (Distance Education) for the academic year 2005 - 2007 and simultaneously pursued his B.Ed., degree from Bharathidasan University for the academic year 2006 - 2007 and he had been awarded the certificate for B.Ed., by the said university, for the examinations conducted in April 2007. Merely because the petitioner had not pursued his second year M.A.(Tamil) from Annamalai University (Distance Education) during 2006-2007, it cannot be construed that the petitioner has not pursued the course from 2005 onwards. Merely because the petitioner discontinued the course in 2006-2007, cannot be



said that there was no continuation of period of study prescribed by the University for the said course.

7. For the reasons stated supra, this Court is of the view that the Teachers Recruitment Board, Chennai has rightly construed that during the period of study of M.A.(Tamil) degree, the petitioner has also pursued B.Ed., degree from Bharathidasan University and obtained the degree .

8. Though B.Ed., degree has been awarded to the petitioner on 12.10.2007 by Bharathidasan University and M.A.(Tamil) degree has been awarded by Annamalai University on 02.04.2008, perusal of the certificate issued by Annamalai University, Directorate of Distance Education, makes it clear that the period of study of M.A.(Tamil) degree course has commenced from 2005-2006 and therefore, the duration of the programme is 2 years. As per column 8 of the transfer certificate, dated 02.04.2008 issued by the Director, Annamalai University, Directorate of Distance Education, the month and the year when the student has left the programme has been mentioned as June 2007.

9. From the above, it is evident that the petitioner had pursued B.Ed., and M.A.(Tamil) simultaneously. In the light of the above discussion, this Court is of the view that no illegality has been committed by the 2nd respondent / Teachers Recruitment Board, declaring the petitioner as not selected for the post of Post Graduate Assistant (Tamil). Hence, the Writ petition is dismissed. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai 09.

2. The Director, Teachers Recruitment Board,
EVK Sampath Maligai, DPI Compound, College Road,
Chennai - 06.

+1cc to Mr. T. Lajapathy Roy, Advocate in Sr.38773
+1cc to the Special Government Pleader in SR.38836

W.P. (MD) No.12723 of 2013
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