

(2014) 09 MAD CK 0077

In the Madras High Court

Case No : Writ Petition No. 6701 of 2013 and M.P. No. 1 of 2013

C. Prabu

APPELLANT

Vs

The Director, Teachers Recruitment Board

RESPONDENT

Date of Decision : 10-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0077

Hon'ble Judges : D. Hari Paranthaman, J

Bench : Single Bench

Judgement

D. Hari Paranthaman, J.—With the consent of both parties, the writ petition is taken up for final disposal.

2. The petitioner joined B.A. Degree at Government Arts and Science College, Krishnagiri, which is affiliated to the second respondent University during the academic year 2002-2003. Though he completed the course during 2005, he passed the said degree only in November 2007 from the second respondent University. Thereafter, he got admitted in the B.Ed course immediately in January 2008 at Girivasan Educational Institution, which is affiliated to the second respondent University.

3. The first respondent conducted Tamil Nadu Teachers Eligibility Test (TNTET) pursuant to the notification dated 07.03.2012 for appointment of teachers to Classes I to VIII. The petitioner appeared for the said examination pursuant to the aforesaid notification. The candidate would be declared as qualified in TET, if he secures 90 marks out of 150 marks in the TET examination. The petitioner obtained 90 marks, but Teachers Recruitment Board (TRB) refused to issue certificate on the ground that the petitioner obtained B.A. as well as B.Ed Degree in the same year. The said proceeding declining to issue qualifying certificate is put to challenge in this writ petition.

4. It is the case of the petitioner that he passed B.A. in November 2007 and thereafter, he passed B.Ed in June 2008. He produced the approval letter of the

University dated 31.12.2007 to the Girivasan College of Education to take 100 students for the academic year 2007-2008. Only after the said approval, 100 students were admitted in the B.Ed Course in the said college. The petitioner was one among them. The University to which Girivasan College of Education affiliated was the governing body and awarded degree after satisfying the norms fixed by the University. Hence, the first respondent cannot deny the TET Certificate to the petitioner on the ground he obtained B.A. as well as B.Ed Degree in the same year.

5. On the other hand, the learned Government Advocate would submit that the petitioner obtained B.A. as well as B.Ed degree in the same year and therefore, there is no infirmity in the impugned order. It was his submission that B.Ed course is for one year and therefore, the petitioner could not have passed B.Ed Degree in June 2008 after passing B.A. in November 2007.

6. I have considered the submissions made by the learned counsel on either side.

7. The learned counsel for the University has pointed out a circular dated 30.10.2008 issued by the University, which is enclosed at Page 4 of the typed set of papers along with the writ petition, wherein, it is stated that a student will be permitted to write the examination in B.Ed course if he has attended 900 hours or 150 days at 6 hours per day. Based on the records produced by the concerned college, the students were permitted by the University to write the examination. Accordingly, the petitioner herein passed the examination and therefore, there is no illegality in awarding B.Ed Degree.

8. The petitioner passed B.A. in November 2007. Thereafter, he joined B.Ed course in January 2008. He undertook B.Ed examination in June 2008. The learned counsel for the University has stated that the B.Ed degree awarded by the University is perfectly in order and it was pursuant to the circular dated 30.10.2008 issued by the University, the petitioner as well as others, who satisfy the norms were permitted to write the examination and accordingly, B.Ed degree was awarded. It is not a private university. The University belongs to the State.

9. It is not the case of the TRB that the petitioner did not obtain 90 marks but on the other hand, the impugned order is passed on the ground that the petitioner obtained B.A. Degree as well as B.Ed. Degree in the same year.

10. The aforesaid facts makes it clear that the petitioner passed B.A. in 2007 and results were published on 10.01.2008. Immediately, he got admitted in the B.Ed course. The University approved the admission of the petitioner and also permitted him to write the B.Ed examination since he satisfies the norms of undergoing the required class. In fact, the University granted approval only on 31.12.2007 to admit students in the year 2007-2008. Therefore, the petitioner cannot be blamed for his admission in January 2008. The regular course was conducted only in January 2008 for the B.Ed classes in the said college. Furthermore, as pointed out by the learned counsel for the University, students will be permitted to write examination by the University, if they attended 900

hours of study in B.Ed course. After having satisfied the norms, the petitioner was permitted to write examination and he passed the examination in June 2008. It is also pertinent to note that the petitioner was allowed to write TET examination. After permitting him to write the examinations, the TRB is estopped from taking a technical plea, particularly, when the same is also not notified.

11. In view of the above, the reason given in the impugned order is not sustainable. In fact, the notification dated 07.03.2012 nowhere prescribes a condition that a person obtained degree in November 2007 and passed B.Ed in June 2008 is not permitted to write TET examinations. Hence, I am of the view that the impugned order is liable to be interfered with. Accordingly, the writ petition stands allowed and the impugned order is set aside and a direction is issued to the first respondent to issue TET Certificate to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.