
(2015) 03 MAD CK 0122
In the Madras High Court
Case No : Writ Petition No. 12340 of 2011

M. Pandikkani

APPELLANT

Vs

Government of Tamil Nadu and Others

RESPONDENT

Date of Decision : 09-03-2015

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2015) 03 MAD CK 0122

Hon'ble Judges : K.K. Sasidharan, J.

Bench : Single Bench

Advocate : N.G.R. Prasad for Row and Reddy, for the Appellant; M.S. Ramesh, Addl. Government Pleader, Advocates for the Respondent

Final Decision : Allowed

Judgement

K.K. Sasidharan, J.—The petitioner submitted an application for appointment to the post of Assistant Professor in Tamil Nadu Collegiate Educational Service, pursuant to the notification issued by the Teachers Recruitment Board, dated 29 March 2010. The petitioner was not given marks for teaching experience and as a result, 4th respondent, who got 15 marks, was appointed against the post reserved for S.C. (Women). Feeling aggrieved by the decision taken by the Teachers Recruitment Board, not to award marks for teaching experience, the petitioner has come up with this Writ Petition.

2. The Chairman, Teachers Recruitment Board (herein after referred to as the Board), in the counter affidavit, contended that though the petitioner claimed teaching experience in B.Ed. College she is not eligible for marks for teaching experience. According to the Board, only in case a candidate has taken classes in Arts and Science Colleges, they are eligible for marks for teaching experience. It was further contended that the petitioner was initially given 6 marks for teaching experience and 5 marks for educational qualification. When final verification was made, it was found that she was not having the required teaching experience and as such, only 5 marks was given. The last cut off mark for communal turn -

Scheduled Caste Women for the post of Assistant Professor was 15 marks. Since the petitioner failed to secure required cut off marks, she was not selected.

3. The learned counsel for the petitioner contended that the very same Board had earlier awarded six marks to the petitioner during the previous selection and as such, it was not correct on their part to award nil marks for experience during the subsequent selection. The learned counsel by placing reliance on the order in W.P. No.4818 of 2014 submitted that this Court has already held that experience gained in a college of education is sufficient to claim marks for teaching experience.

4. I have also heard the learned counsel for respondents 1 to 3. None appeared on behalf of the 4th respondent.

5. The only question that arises for consideration is whether the Board was correct in denying marks to the petitioner for teaching experience on the ground that she gained teaching experience only from a college of education and not from Arts and Science Colleges.

6. The petitioner was appointed as Lecturer in History in PSR College of Education, Sivakasi. She joined the service on 13 September 2007. The Board in its notification dated 29 March 2010, stated that marks will be given for teaching experience. The notification provides that for teaching experience in Universities/ Government/ Aided Colleges/ self financing colleges in the approved post including teaching experience, in the relevant subject of the candidates in Medical/Engineering/Law colleges, 2 marks for each year subject to a maximum of 15 marks will be awarded.

7. The petitioner earlier made an application for appointment to the post of Lecturer. The Board awarded 3 marks to her towards teaching experience. The said selection was in the year 2009. The petitioner continued to teach and thereby gained further experience. According to the petitioner, because of her continuous service, she is eligible to get 6 marks for teaching experience.

8. The Board awarded nil marks to the petitioner for teaching experience only for the reason that experience in college of education would not be treated as experience for the purpose of awarding marks.

9. The very same issue came up for consideration before this Court in W.P. No.4818 of 2014. The learned Judge rejected similar contention taken by the Board and allowed the Writ Petition by order dated 5 March 2014. The relevant paragraphs read thus :-

11. As I have already extracted, G.O. Ms.412 speaks of Teaching Experience in Universities / Government/Aided Colleges / Self Financing Colleges in the approved post including the Teaching Experience in Medical, Engineering and Law Colleges. A plain reading of the said Government Order would go to show that it does not exclude the Teaching Experience gained in the Colleges of Education. The term "Government / Aided Colleges / Self Financing Colleges" referred to in

G.O. Ms.412 will certainly include the Colleges of Education also. In the said colleges also education is imparted for awarding of degrees like B.Ed., or M.Ed., When the Teaching Experience gained in all Arts Colleges is compared to with the Teaching Experience gained in a College of Education, certainly, one can say that the experience gained in a College of Education is superior because qualification for admission to the course offered by such College of Education is minimum of an Under Graduate degree. When teaching experience is gained by teaching the students doing Under Graduate courses in colleges can be taken into account for awarding marks, I do not find any rationale as to why such marks should not be awarded for those candidates who have gained experience by teaching the students in Colleges of Education. There is no rationale behind the classification which is sought to be made. In my considered opinion, denying marks for Teaching Experience for the candidates who have gained experience by teaching the students in Colleges of Education will amount to discrimination thereby offending Article 14 of the Constitution of India. Therefore, I am inclined to issue a direction as prayed for in this writ petition.

12. In the result, the writ petition is allowed; the respondents are directed to award 15 marks to the petitioner for the Teaching Experience gained by teaching in college of education and permit her to participate in the interview and then to issue appoint order, if she comes within the zone of selection. No costs. Consequently, connected MP is closed.

The order in W.P. No.4818 of 2014 has become final.

10. In view of the order dated 5 March 2014 in W.P. No.4818 of 2014, the Board was not correct in rejecting the request made by the petitioner for awarding marks for teaching experience.

11. In the result, the mark list in respect of the petitioner giving her nil marks for teaching experience is set aside. The second respondent is directed to award marks to the petitioner taking into account her total teaching experience and consider her for appointment taking into account her rank position and cut off marks. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

12. The Writ Petition is allowed as indicated above. No costs. Consequently, M.P. Nos.1 to 4 of 2011 are closed.