

(2014) 06 MAD CK 0130

In the Madras High Court

Case No : W.P. Nos. 10879 and 13639 of 2014 and M.P. No. 1 of 2014 in W.P. No. 13639 of 2014

S.R. Kavitha

APPELLANT

Vs

The Director of School Education

RESPONDENT

Date of Decision : 13-06-2014

Acts Referred:

Citation : (2014) 06 MAD CK 0130

Hon'ble Judges : S. Nagamuthu, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S. Nagamuthu, J.—Since common issues are involved in these writ petitions, they are heard together and disposed of by this common order.

2. The petitioner in W.P. No. 10879 of 2014 claims that she is qualified for being appointed as Graduate Teacher. Admittedly, the petitioner studied 10th standard and passed in 1989. Then she studied 12th standard (+2) but failed in the mathematics paper. Thereafter, under the Distance Education Scheme, she did Bachelor of Literature (B.Lit.,) and secured a degree in 2007. Thereafter, she cleared the Mathematics paper and passed 12th standard in the year 2010. Then, she joined B.Ed degree and obtained that degree in 2011. Thus, according to the respondents, since +2 course was not studied by the petitioner before joining degree course, she is not entitled for the post of Graduate Teacher. The petitioner is aggrieved by the same and that is how, the petitioner is before this Court with this writ petition.

3. Similarly, the petitioner in W.P. No. 13639 of 2014, pursued the courses in the order of 10th Standard in the year 1985, 12th Standard in 1990, B.A. (History) in 2002, M.A., in 1995 and B.Ed., in 1996. Thus, according to the respondents, before joining the M.A. Degree, she did not complete the undergraduate degree. The fact remains that though the petitioner had joined the Under Graduate

Degree course before joining M.A. Degree, she completed the Under Graduate Degree course only thereafter. Thus, it is a case of reverse order. Hence, the respondents denied employment to the petitioner. Aggrieved over the same, the petitioner is before this Court with this writ petition.

4. I have heard the learned counsel for the petitioners and Mr. R. Rajeswaran, learned Special Government Pleader appearing for the respondents.

5. In the counter affidavit filed by the respondents, it is stated that since the petitioners have not studied the course in order, they are not eligible for being considered for appointment as Graduate Teacher and BT Assistant respectively.

6. However, this issue is no more res integra in view of the order passed in W.P. No. 1068 of 2014 dated 11.03.2014 [V. Kanimozhi v. The Director of School Education], wherein, this Court has held that doing the courses not in order, but in reverse order is not a disqualification. In that judgment, in paragraphs 12 to 14, this Court has held as follows:-

12. The Annamalai University's case (Annamalai University rep. by Registrar Vs. Secy. to Govt. Infn. and Toursm Dept. and Others,) has been referred to by the two Division Benches in their respective judgement. That was a case where, a Post Graduate degree obtained directly under the Open University system without doing Under Graduate degree was valid or not came up for consideration. In that case, the Hon'ble Supreme Court has held that before obtaining M.A. degree, as per UGC regulations, a candidate should have completed +2, followed by Under Graduate degree course. The Post Graduate degree obtained through Open University scheme directly without having obtained a Under Graduate degree cannot be considered for the purpose of appointment as a Principal in a College. In that judgment, the Hon'ble Supreme Court had no occasion to consider as to whether if a candidate completes a Under Graduate degree course after having obtained his Post Graduate degree under the Open University system will be eligible. This question was virtually examined by the Division Bench in J. Joseph Irudayaraj's case (cited supra). As a matter of fact, the Division Bench in J. Joseph Irudayaraj's case (cited supra) has extensively considered the judgment of the Hon'ble Supreme Court in Annamalai University's case (cited supra).

13. In view of all the above, I have no hesitation to hold that rejection of the candidature of the petitioner by the second respondent is not sustainable.

14. In the result, the writ petition is allowed and the impugned order of the second respondent rejecting the candidature of the petitioner is hereby set aside and the second respondent is directed to consider the petitioner for appointment as Post Graduate Assistant Teacher in Tamil based on her marks secured after certificate verification, at any rate, final orders, shall be passed by the second respondent in this matter within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

7. In view of the said settled position of law, I declare that the petitioners are entitled for being considered for the post of Graduate Teacher and BT Assistant respectively.

8. Accordingly, the writ petitions are allowed and the second respondent is directed to consider the petitioner in W.P. No. 10879 of 2014 for appointment as Graduate Teacher and the petitioner in W.P. No. 13639 of 2014 as B.T. Assistant (History) based on their marks secured after certificate verification, at any rate, final orders shall be passed by the second respondent in these matters, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.