

(2014) 09 MAD CK 0251

In the Madras High Court

Case No : Writ Petition No. 3916 of 2014 and M.P. No. 1 of 2014

V. Prakash

APPELLANT

Vs

Teacher Recruitment Board

RESPONDENT

Date of Decision : 10-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0251

Hon'ble Judges : B. Rajendran, J

Bench : Single Bench

Judgement

B. Rajendran, J.—The prayer in the writ petition is for the issuance of a writ of mandamus to direct the respondent to include the name of the petitioner in the final merit-cum-communal selection list for Tamil subject published on 03.01.2014, by confirming the selection of the petitioner on merit, for the posts included in the Post Graduate Assistants/Physical Education Directors Grade-1, 2012-2013 examination, notified in Advertisement No. 02/2013 dated 09.05.2013, on considering the marks scored by the petitioner in the said examination, in order to initiate further selection process and consequently to recommend the petitioner to be selected and appointed as Post Graduate Assistant in the said examination, with due seniority and all service benefits.

2. The case of the petitioner is that he has completed his SSLC and HSC examination during March 2000 and March 2002 respectively. The petitioner also has completed B. Litt in Tamil in the year 2007; M.A.[Tamil Literature] in May 2011 and B.Ed. Degree in April 2010. It is his further case that the petitioner applied for the Post Graduate Assistants/Physical Education Directors Grade-1 called for by the respondent-Board and got 104 marks. However, when the final list of selection was published, though the other candidates who have secured less marks and less than his age were considered for appointment, the petitioner's name did not find a place. On verification, it was found that the petitioner's name was not considered in the final list due to the fact that he has completed his Post Graduate course and B.Ed. Degree course simultaneously.

Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Learned counsel appearing for the petitioner would submit that the petitioner after completing his B. Litt course, had applied for M.A. Degree course through Open university system during the month of May 2007-08 and thereafter he discontinued the same in the year 2008; thereafter he had joined B.Ed. course under regular stream in the year 2008 and completed the same in the year 2008-09. After completing the B.Ed. course, he had again applied for joining the MA course, which he discontinued in the year 2008 and completed the same in the year 2011. Therefore, in his case, in one particular year he has never completed two courses simultaneously. Both B. Litt and B.Ed., are completed by the petitioner under regular stream, i.e., for a period of three years and two years respectively; whereas M.A. Degree course was done in the year 2011. He would further submit that the case laws cited by the respondent cannot be applicable to the facts and circumstances of the present case. Accordingly, he would pray for a direction to the respondent to consider the case of the petitioner and place him in the appropriate place in the seniority list.

4. On instructions, the learned Additional Government Pleader appearing on behalf of the respondent-Board submitted that the report containing the order of study was that the petitioner joined M.A. Degree course in the year 2007 and completed the same during the year 2011. In between, during the year 2008, he has joined B.Ed., course and completed the same in the year April 2010. Therefore, the petitioner has done two different courses simultaneously. In this connection, he would rely upon the Division Bench judgment of this Court passed in W.A. No. 845 of 2013 dated 07.01.2014 [S. Jagadeeswari vs. The Chairman, Teachers Recruitment Board, Chennai-6 and another] and also the judgment passed by the learned Single Judge in W.P. No. 1843 of 2014 dated 13.03.2014 [S. Arivazhagan vs. The Chairman, Teachers Recruitment Board, Chennai-6 and another]. Accordingly, pray for the dismissal of the writ petition.

5. Heard both sides and perused the records.

6. A perusal of the documents filed in the typed set of papers would show that the petitioner has completed the two different courses in the different academic years, viz., B.Ed., in the year 2010 and M.A. Degree in the year 2011. The petitioner has completed the first year M.A. Degree Course in the year May 2008; thereafter, he discontinued the same and joined B.Ed. Course in the year 2008 and completed the same during the year April 2010. Again he had applied for re-admission for completion of the M.A. Degree course in the year 2010 and completed the same in the year 2011. Records have been filed before this Court by way of typed set of papers to prove the same. Whereas, in the cases cited by the learned Additional Government Pleader, it is seen that the petitioners therein have completed two different courses in the same year. Therefore, this Court came to the conclusion that those petitioners were not eligible for consideration to the posts of Post Graduate Assistants in English/Tamil.

7. Considering the above said facts and circumstances of the case and also taking into consideration the fact that the petitioner in this case has completed the M.A. Degree and B.Ed., in two different academic years, the same is distinguishable from the facts mentioned in the cases cited by the learned Additional Government Pleader.

8. For all the above stated reasons, this writ petition is allowed with a direction to the respondent to consider the petitioner's name for the post of Post Graduate Assistants in Tamil, in accordance with law and with due seniority. No costs. Consequently, the connected miscellaneous petition is closed.