

(2013) 01 MAD CK 0273

In the Madras High Court

Case No : Writ Petition No. 965 of 2013 and M.P. No. 1 of 2013

V. Vanitha

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 11-01-2013

Acts Referred:

Citation : (2013) 01 MAD CK 0273

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : V. Bhiman, for the Appellant; P.S. Sivashanmuga Sundaram, A.G.P., for the Respondent

Final Decision : Dismissed

Judgement

K. Chandru, J.—The petitioners are applicants for the post of P.G. Assistant in English coming under the Higher Secondary Education Service, for which applications were called for the year 2011-2012. The petitioners were initially selected by the Teachers Recruitment Board and admittedly the appointment orders were given by order dated 12.12.2012 signed by the Joint Director of Higher Secondary Education. In the order itself it was stated in condition No. 11 that the educational qualification obtained by the petitioners as well as the Diploma and Degree obtained by them will be sent to the appropriate District Educational Officers for ascertaining the genuineness of the same as well equivalence of such claim. It was also stated that if those Diploma or Educational or Degree Certificates are not genuine or evaluated as per Rules, their appointment will be cancelled without any prior notice. It is stated by the petitioners that a function was organised for grant of appointment order and it was attended by the Hon"ble Chief Minister and appointment orders were given to them. Subsequently, by order dated 31.12.2012, the Joint Director of Higher Secondary Education informed the petitioners that a letter has been received by the Chairman of the Teachers Recruitment Board on 27.12.2012 stating that their names did not find a place in the final list and therefore, the temporary

appointment given to them was cancelled. Challenging the impugned order, the Writ Petitions came to be filed.

2. Heard Mr. V. Bhiman, learned counsel for the petitioners and Mr. P.S. Sivashanmuga Sundarm, learned Additional Government Pleader appearing for the respondents.

3. The contentions raised by the petitioners are that the petitioners have got Science Degree. Subsequently, they underwent a Degree Course in English what is known as Double Degree given by Annamalai University. They have undergone M.A. Degree in English under the Open University System. Therefore, it cannot be said that they are not qualified to hold the post, for which they were given temporary appointment.

4. Insofar as the M.A. Degree obtained from Annamalai University under the Open University System is concerned, the question as to whether it should be treated as a degree for the purpose of appointment, came to be considered by the Supreme Court in Annamalai University rep. by Registrar Vs. Secy. to Govt. Infn. and Tourism Dept. and Others, and it was held that without a basic qualification, obtaining any degree in M.A., under the Open University System could not be considered as equivalent to minimum general educational qualification prescribed for any post under the State.

5. It is needless to state that P.G. Degree in English is governed by Special Rules for the Tamil Nadu Higher Secondary Education Service. For the Teachers in English by direct recruitment, the qualifications are prescribed, namely a Bachelor Degree in the Language as well as Post Graduate Degree in respect of which recruitment is made or its equivalent standard and also a B.Ed degree course of an University in the State or degree of equivalent standard.

6. In the present case, the contention of the petitioners that notwithstanding the Annamalai University judgment (cited above), since they have obtained a degree at the undergraduate level known as double degree, that can be considered as equivalent qualification.

7. The very question as to whether the double degree course offered by the Annamalai University can be considered as a qualification as equivalent of a degree, came to be considered in a batch of Writ Petitions in R. Thirunavukkarasau Vs. The State of Tamil Nadu and Others, after referring to all relevant Rules negated the request of the persons similarly placed and in paragraph 84, it was observed as follows:-

84. In view of the above, the writ petitions are allowed and the official Respondents are directed not to recognise, both for appointment as well as for promotion, the dual degrees obtained by candidates after undergoing a Course of a duration of one year, as equivalent to a degree obtained after undergoing a Course of a duration of 3 years. There will be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

When once it is held that the petitioners' undergraduate course cannot be considered to be equivalent for being treated as language degree in the undergraduate level, the other argument that M.A. Degree in English is negated in the Annamalai University's case (cited above) and there being no vested right created in favour of the petitioners, merely because they were offered a temporary appointment order, the case of the petitioners cannot be countenanced by this Court. Hence, all the writ petitions stands dismissed. No costs. The connected Miscellaneous Petitions are closed.