



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.53 of 2015

K.Govindaraj

...Appellant

Vs.

1. The State of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.

...Respondents

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 12.11.2014 made in W.P.No.26275 of 2014.

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the respondents to appoint the petitioner as Post Graduate Assistant in Tamil, based on the marks obtained in Teachers Recruitment Board, Examination held on 21.07.2013.

For Appellant : Mr.V.Bharathidasan

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The appellant / writ petitioner came up with the instant writ petition seeking a direction to the respondents to appoint him as the Post Graduate Assistant in Tamil, based on the marks obtained in the Teachers Recruitment Board examination held on 21.07.2013.

2. It is indisputable that the select list was published on



03.01.2014, wherein the writ petitioner did not find his place. It is also not in dispute that appointments have been completed by the end of June, 2014. The petitioner approached the court only in September, 2014 for the aforestated relief.

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3. According to the learned counsel for the petitioner, the petitioner was not informed about the result and also the publication of the select list and as such, the delay in approaching the court. This delay cannot be taken against the petitioner. It is further contended that the claim of the petitioner for appointment has wrongly been rejected on the ground that the petitioner had obtained M.A. Degree course and B.Ed course simultaneously in contravention of the approved pattern of study in G.O.Ms.No.107, School Education Department dated 18.08.2009 and G.O.Ms.No.242, Higher Education dated 18.12.2012 read with the clarification issued by the Registrar, University of Madras by letter dated 12.01.2011.

4. The contention of the petitioner before the Writ Court was that the petitioner has pursued both courses separately. After taking admission in M.A. Course, the petitioner discontinued his study and completed B.Ed course and thereafter, he had again continued M.A. Course. Thus, it cannot be held that the petitioner had pursued both courses simultaneously.

5. The learned Single Judge, after examining the facts, held as under:

"8. If the petitioner has discontinued his M.A., course, which according to him, he had done, he could not have been re-admitted in the second year of the M.A., course after the lapse of one year, since he discontinued the course. There may be cases where, the candidate might not have written the examination and then may approach the University for condonation, but the petitioner consciously withdrew himself from his course and such withdrawal was accepted by the University and he was treated as a candidate, who has discontinued the course of study. If the petitioner had been readmitted that too in the second year after a lapse of one year in between the course duration for M.A., course virtually the course of study extends to three years, in the interregnum, the petitioner has obtained B.Ed., degree as a regular candidate in June 2009. Thus, the petitioner is deemed to have pursued two courses simultaneously and the action of the Annamalai University treating the petitioner as a discontinued candidate from 2008-09 and readmitted the candidate in 2009-10. The Transfer Certificate dated 22.01.2014, which was admittedly issued after the publication of the results



by the Teachers Recruitment Board, can in no manner be of any assistance to the case of the petitioner."

6. We have considered the contentions of the learned counsel for the appellant carefully and perused the documents and pleadings appended thereto. The view taken by the learned Writ Court is in accordance with law. Even on merits, the appellant has failed to establish that he had pursued two courses one after another, rather the appellant had pursued both courses simultaneously contrary to the aforestated government orders and clarifications of the University.

7. Apart from that, at this stage, when the select list has been published and appointments have been made, the appellant cannot be permitted to take up the issue of his non-selection. The appellant has also not impleaded the other successful candidates, who have acquired rights after appointment to the post (See : B.Ramanjini and others Vs. State of A.P. and others¹). Thus, in that event also, the appeal is liable to be dismissed. There is no error, irregularity or irrationality in the order passed by the learned Single Judge.

8. Resultantly, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vvk

To

1. The Principal Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.

2. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai, DPI Compound, College Road,
Chennai-600 006.

1 CC to Mr.V.Bharathidasan, Advocate SR.No. 3797

W.A.No.53 of 2015

VD (CO)
PSI (05.02.2015)

1 (2002) 5 SCC 533, para 19.