

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25222 of 2015
and
M.P.No.1 of 2015

P.Mahalakshmi

... Petitioner

- Vs -

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road, Chennai - 600 006.
3. The Commissioner (F.A.C.),
Most Backward Classes &
Denotified Communities,
Chepauk, Chennai - 600 005.
4. Teacher Recruitment Board,
Represented by its Chairman,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents herein to issue appointment order to the petitioner (Roll number 13PG08050328) for the post of (P.G.) Post Graduate Assistant (Chemistry) in the 3rd respondent schools pursuant to the letter of the 3rd respondent in Lr.No.B2/1695/2012, dated 17.03.2015.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner has completed degree of Bachelor of Science (B.Sc) in Chemistry during April, 2000 from the Government Arts College, Coimbatore and also passed the degree of Master of Science (M.Sc) in Applied Chemistry during June, 2003 from Avinashilingam Institute for Home Science & Higher Education for Women, Coimbatore which is a Deemed University. The petitioner has also passed Bachelor of Education (B.Ed) during April, 2007 from the very same Institute. It is stated by the petitioner that the 4th respondent has called for application for direct recruitment to the post of Post Graduate Assistant in Government Higher Secondary Schools and according to her, she is possessing all the requisite qualification for selection to the post of P.G. Assistant (Chemistry) including teaching experience and hence she applied for the same. Since the application was found to be in order, she was assigned the Roll Number 13PG08050328. It is further stated by the petitioner that she belongs to backward class and as she scored 95 marks in the written test, she was provisionally selected under BC turn and she was also called for certificate verification by the 4th respondent vide proceedings dated 20.10.2014 and she also attended the certificate verification on 31.10.2014. It is further stated by the petitioner that after the said certificate verification, petitioner was awarded 100 marks (Written test 95 marks + Employment seniority 2 marks + Teaching experience 2 marks) and she was placed in 1st rank for BC category. Thereafter, no orders were issued and on enquiry, she came to know that since respondent has expressed doubt as to whether M.Sc (Applied Chemistry) is equivalent to M.Sc (Chemistry) is delaying the process and in this regard, she submitted a representation dated 18.04.2015 to respondents 3 and 4. Since, no orders came to be passed, she came forward to file this writ petition.

3. The learned counsel appearing for the petitioner drawn the attention of this Court to G.O.Ms.No.164, P & AR Department, dated 21.08.2000 and would submit that similar issue came to be attention of the Government and after taking into consideration all the relevant factors, the above said Department has arrived at a decision that M.Sc (Applied Chemistry) is equivalent to M.Sc (Chemistry) and in the light of the said G.O., there cannot be any impediment on the part of the respondents 3 and 4 to consider the claim of the petitioner and issue appointment orders.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 who seeks time to get instructions.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. A perusal of G.O.Ms.No.164, P & AR Department, dated 21.08.2000 discloses that the Government has taken a decision that M.Sc (Applied Chemistry) is equivalent to M.Sc (Chemistry). The petitioner is having the qualification of M.Sc (Applied Chemistry) as well as B.Ed and as per the provisional merit sponsor list after certificate verification, she is placed in 1st rank for the BC category. In the light of the above said G.O., there may not be any impediment on the part of the respondents 3 and 4 to positively consider the request of the petitioner and issue appointment orders.

7. This Court in the light of the above facts and circumstances, directs the respondents 3 and 4 to consider the claim of the petitioner by taking note of the observations made in this writ petition and pass appropriate orders for appointment and posting to the petitioner, subject to fulfillment of required norms, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

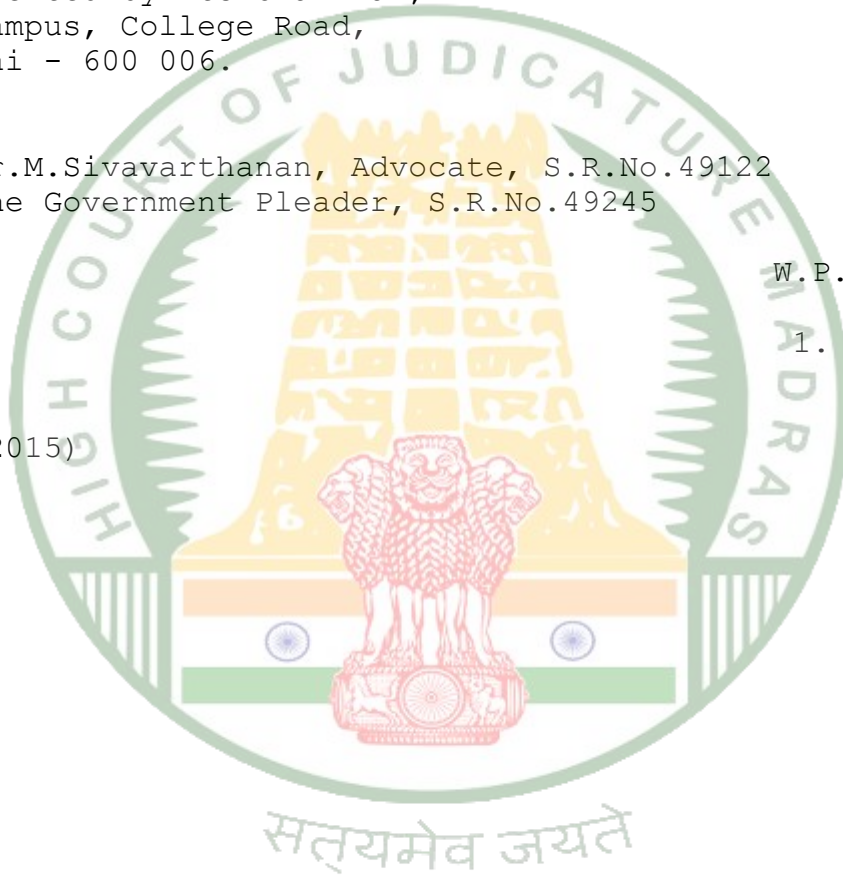
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4. Teacher Recruitment Board,
Represented by its Chairman,
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+1cc to Mr.M.Sivavarthanan, Advocate, S.R.No.49122
+1cc to the Government Pleader, S.R.No.49245

W.P.No.25222 of 2015
and
1. M.P.No.1 of 2015

RSK (CO)
CA (23/09/2015)



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