

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.08.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.26379 of 2015

A.Ganesan

... Petitioner

v.

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

2. Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

4. The District Educational Officer,
Tirunelveli - 627 002.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 14.02.2015 followed by reminder representation dated 21.04.2015 to select the petitioner and refer his name to the 1st Respondent for issuing appointment and posting order.

For Petitioner : Mr.L.S.M.Hasan Fizal
for Mr.J.Stanlin

For Respondents : Mr.S.Gunasekaran
Govt. Advocate

O R D E R

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

2. The petitioner claims that he is a graduate in B.Sc., Chemistry and B.Ed and he has registered his name with the

District Employment Office vide No.1997M12791, dated 21.07.1997. The petitioner claims that he belongs to Backward Community (BC) and was sponsored by the District Employment Office under the Land Acquisition priority BC candidate for the post of Graduate Assistant for Direct Recruitment for the year 2009-2010. The name of the petitioner was also registered with the 2nd respondent, viz., Teachers Recruitment Board (TRB) vide Registration No.D05020044 and his certificate verification No.2648 and he was also called on 13.05.2010. The petitioner also attended the certificate verification on that day and submitted all his testimonials.

3. It is further submitted by the petitioner that in the interregnum, Right of Children to Free and Compulsory Education Act, 2009, came to be enacted and was published in the Gazette of India on 27.08.2009 as well as in the Government of Tamil Nadu Gazette on 24.02.2010 and the Act came into force from 1.4.2010. Subsequently, G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011 came to be issued, which mandates that the persons who are appointed on or after 24.08.2010 is to pass the Teachers Eligibility Test. It was also put to challenge and the Division Bench of this Court by a common order dated July 2013, held that passing of Teachers Eligibility Test is not necessary for those, to whom appointment order had not been issued but, whose certificate verification had been completed prior to 23.08.2010.

4. The claim of the petitioner is that his certificate verification was done on 13.05.2010 i.e., much prior to 23.08.2010. But, the petitioner has not been issued with the appointment order and in this regard, he has submitted a representation dated 14.02.2015 followed by reminder representation dated 21.04.2015 to the respondents. Since no order has been passed, he came forward to file the present writ petition.

5. Heard the submissions of Mr..L.S.M.Hasan Fizal, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate , who accepts notice for the respondents.

6. Though the prayer in the writ petition is for the larger relief, the learned counsel for the petitioner confined his argument to the limited extent directing the second respondent to pass orders on the representations of the petitioner dated 14.02.2015 and 21.04.2015 , within a stipulated time.

7. Considering the submissions made by the learned counsel appearing for the petitioner, without going into the merits of the case, the second respondent is directed to consider the representations of the petitioner dated 14.02.2015 and 21.04.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

The writ petition is disposed of accordingly. No costs.
Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

Rj

To

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
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 3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.
 4. The District Educational Officer,
Tirunelveli - 627 002.
- 1 cc to Mr.S.Gunasekaran , Advocate Sr.No.45266
1 cc to Government Pleader.Sr.No.45820

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skv(co)
pmk.14.9.2015

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