

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32203/2015 & MP.No.1/2015

M.Nallathambi

..Petitioner

Versus

1. The Chairman

The Teacher Recruitment Board
4th Floor, EVK Sampath Building
DPI Campus, College Road,
Chennai 600 006.

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

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to select and appoint the petitioner in the post of Assistant Professor in English based on the merit in the selection conducted in pursuant to the Notification/Advertisement No.4/2013 dated 28.05.2013 issued by the Teacher Recruitment Board on deletion of two candidates from the provisional select list as per the proceedings issued by Teacher Recruitment Board in Rc.No.702/L1/2015 dated 08.06.2015, by considering the representation submitted by the petitioner dated 13.08.2015 with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.N.Srinivasan, AGP

ORDER

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

2 The petitioner claims that he is qualified with B.A [English] in the year 1996 and Post Graduate in the same subject in the year 1998 and also passed M.Phil., in the year 2003 and also acquired Doctorate in English in the year 2011

and was working as Guest Lecturer in Arignar Anna Government Arts College, Vadachennimalai, Athur and subsequently as Assistant Professor, in Dhanalakshmi Srinivasan Engineering College, Perambalur, on 25.06.2008. The petitioner would further state that the Teachers Recruitment Board has issued notification during May 2013, calling for applications for recruitment to the post of Assistant Professor and 150 vacancies have been notified in the said post and the petitioner has submitted an application and he has also participated in the selection process and was awarded 27 marks including interview marks. The cut-off mark for Backward Class category was also fixed as 27 and however, the selection was done in favour of Tvl.P.Kumaresan and R.Mahendran. The petitioner has submitted a representation stating that the above said selectees lack necessary qualification and since the said representation has not been disposed of, the petitioner filed WP.No.29286/2014 and this Court, vide order dated 08.12.2014 has directed the respondents to consider and dispose of the representation on merits and in accordance with law within the stipulated time. Accordingly, the respondent has conducted the enquiry by giving opportunity to the above said two persons and found that they have done Ph.D., course under regular stream and hence, a decision has been taken to reduce 4 marks towards teaching experience rendered by them and on account of the said modification of the marks, they did not reach the selection zone and vide proceedings dated 08.06.2015, the respondents have informed the petitioner that appropriate steps would be taken to cancel the services of Kumaresan and Mahendran. The grievance expressed by the petitioner is that in the light of the disqualification suffered by the above said two persons, the petitioner, being the topper, is entitled to be selected as Assistant Professor [English] and in this regard, has also submitted a representation dated 13.08.2015 to the respondents and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 13.08.2015 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, by the petitioner.

5 The writ petition is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

AP

To

1. The Chairman
The Teacher Recruitment Board
4th Floor, EVK Sampath Building
DPI Campus, College Road,
Chennai 600 006.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006.

+1 cc to Mr.G.Sankaran,Advocate(sr.55344)
+1 cc to The Government Pleader (sr.55623)

सत्यमेव जयते

W.P.No. 32203 /2015

KJI (co)
cp 26/10/2015

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