

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.3.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.841 and 3040 of 2015

W.P.No.841 of 2015 :-

R.Bhuvaneswari ... petitioner

versus

1.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road, Chennai 6.

2.The Director,
Professional and Executive Employment Office,
Guindy, Chennai 32.

3.The District Employment Officer,
District Employment Office,
Villupuram ... respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus Directing the 1st respondent to select and appoint the petitioner to the post of Computer Instructor in any of the Government Higher Secondary School in Tamilnadu as per Notification No.7/2014 dated 13.10.2014 if the petitioner comes within the zone of consideration.

For petitioner : Mr.V.Karthikeyan

For respondent : Mr.M.S.Ramesh, Additional Government Pleader

W.P.No.3040 of 2015 :-

G.Elavarkuzali ... petitioner

versus

1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai 9.

2.The Deputy Director,
Professional and Executive Employment Office,
Guindy, Chennai 32.

3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road, Chennai 6.

4.The Director,
DPI Complex,
College Road, Chennai 6

5.The District Employment Officer,
Abdullapuram,
Melmanavur,
Vellore District 632010 ... respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus Calling for the records of the Respondents in connection with the impugned order passed by the 2nd Respondent in A.1/4454/2014 dated 7.1.2015 and quash the same and further direct the respondents to sponsor the name of the petitioner for appointment to the post of Computer Instructor in the School Education Department called for by the 3rd Respondent as per Notification dated 13.10.2014.

For petitioner : Mr.K.Venkatramani, Senior Counsel,
for Mr.M.Muthappan

For respondent : Mr.M.S.Ramesh, Additional Government Pleader

COMMON ORDER

The unreasonable attitude taken by the Director, Professional and Executive Employment Office, Chennai, that seniority for sponsorship would be counted only from the date on which degree qualification was registered before the local employment exchange notwithstanding the registration of B.Ed. Qualification which is the essential technical qualification, before the Professional and Executive Employment Exchange, made the petitioners to file these Writ Petitions.

W.P.No.841 of 2015 : -

2. The petitioner completed her B.Sc. Course in April 2000 and thereafter she obtained M.Sc. Degree in Computer Science in April 2002. The petitioner obtained B.Ed. Degree in April 2006. Thereafter, she obtained M.Phil Degree in 2008. The petitioner registered her

P.G. Qualification before the Professional and Employment Exchange Office, Chennai on 4 August 2006. However, she registered her Degree and B.Ed. only on 27.10.2010 before the local employment exchange at Villupuram. Name of the petitioner was not sponsored for appointment to the post of computer instructor on the ground that her registration of U.G. and B.Ed. Degree before the local employment exchange was beyond the cut off date.

W.P.No.3040 of 2015 :

3. The petitioner completed her B.Sc. Degree in Computer Science and registered her name before the employment exchange in Vellore on 24 May 2001. Subsequently, she obtained her M.Sc. Degree and it was registered in the Professional Employment Exchange Chennai on 30 December 2002. The petitioner registered her B.Ed. Degree at Professional Employment Exchange, Chennai on 9 August 2005. Thereafter, she registered her B.Sc. and B.Ed. before the local employment exchange, Vellore on 30 Degree 2009. Since registration of basic qualification before the local employment exchange was made only after the cut off date, name of the petitioner was not sponsored. The second respondent by order dated 7 January 2015 informed the petitioner that her request to count seniority with effect from the date of initial registration on 9 August 2005 was rejected. The said order is challenged by the petitioner.

4. The Deputy Director, Professional and Executive Employment Office, Guindy, has filed separate counter affidavits justifying the action not to sponsor the petitioners for appointment to the post of computer instructors. According to the second respondent, the petitioners should have registered their basic degree before the local employment exchange at the earliest. Since they have registered their names only after the cut off date, their names were rightly not sponsored.

Submissions :-

5. The learned Senior Counsel for the petitioner in W.P.No.3040/2015 contended that the notification issued by the Teachers Recruitment Board stipulates that candidate should have obtained technical qualification of B.Ed., along with one of the following Degree qualification, viz., B.Ed. (Computer Science) or B.Sc. (Computer Science) or B.C.A. Or B.Sc. (Information Technology). The learned senior counsel contended that the petitioner has registered her B.Ed. Degree before the said employment exchange as early as on 9 August 2005. Therefore, her seniority should be taken as 9 August 2005. Since the petitioner has registered her B.Ed. Degree prior to the cut off date, the second respondent erred in rejecting the request to sponsor her name.

6. The learned counsel for the petitioner in W.P.No.841 of 2005

contended that the petitioner registered her name before the Professional and Executive Employment office as early as on 4 August 2006. Since she has already registered her B.Ed. Degree, she was eligible for being sponsored for appointment to the post of Computer instructor.

7. The learned Additional Government Pleader contended that the registration of Degree and B.Ed. Qualification before the local employment office is the requirement and therefore, name of the petitioners were not sponsored as registration was beyond the cut off date.

Discussion :-

8. The Teachers Recruitment Board issued a notification for appointment to the post of computer instructors. The notification dated 13 October 2014 contain the prescribed qualification. Candidates should possess general qualification as well as technical qualification. The candidate should obtain B.Ed. Degree along with a Degree either in Computer Science or Information Technology. Therefore, it is very clear that possession of B.Ed. Degree is a mandatory requirement for consideration for appointment to the post of Computer Instructor.

9. The petitioner in W.P.No.841 of 2015 registered her B.Ed. Degree qualification before the Professional and Executive Employment Office, Chennai, on 4 August 2006. It is true that the very same qualification was subsequently registered before the local employment exchange, Vellore, on 27 October 2010. Similarly, the petitioner in W.P.No.3040 of 2015 registered her B.Ed. qualification before the Professional and Executive Employment Office on 9 August 2005. Very same qualification was registered before the local employment exchange on 30 December 2009.

10. The core question is whether the second respondent was correct in his failure to sponsor the name of the petitioners on the sole ground that Degree and B.Ed. qualifications were registered before the local employment exchange only after the prescribed cut off date.

11. The cut of date is as follows :

Reservation	Cut off date
MBC Female Non Priority	4.8.2008
MBC General Non Priority	12.9.2008
General turn Female Non Priority	25.8.2008
General turn General Non Priority	30.1.2009

12. The petitioners have registered their B.Ed. Qualification well before the cut off date. Since B.Ed. is the essential technical qualification, necessarily the date of registration of B.Ed. qualification before the Professional and Executive Employment Office

should have been taken note of by the second respondent. It is a fact that petitioner has registered her degree qualification and B.Ed. qualification on 4 August 2006 in the case of the petitioner in W.P.No.841 of 2015 and 9 August 2005, in the case of the petitioner in W.P.No.3040 of 2015.

13. The second respondent adopted a too technical view of the matter. The second respondent in the counter affidavit has contended that the degree qualification should have been registered before the local employment exchange. In case that is the requirement, the second respondent should not have permitted the petitioners to register their B.Ed. qualification before the Professional and Executive Employment Office. Having permitted the petitioners to register their B.Ed. qualification before the professional employment office, the second respondent was not correct in contending subsequently that registration of B.Ed. qualification before the local employment exchange alone would count for the purpose of seniority and sponsorship. I am therefore of the view that the second respondent was not correct in denying the request made by the petitioner to sponsor their names for appointment.

14. This Court has passed an interim order directing the Teachers Recruitment Board to permit the petitioners to attend the certificate verification. However, it was made clear that appointments should not be made till the disposal of the Writ Petition. Now that I have arrived at a conclusion that the petitioners are eligible for sponsorship, necessarily, results should be declared.

15. There is no need for a direction to the Professional and Executive Employment office to forward the names of the petitioners to the Teachers Recruitment Board in view of the factual position as indicated in the counter affidavit filed by the second respondent. The second respondent has given the cut off date and the dates on which the petitioners registered their B.Ed. Degree. Such being the position, Teachers Recruitment Board should consider the appointment of the petitioners without insisting sponsorship from the second respondent.

Disposal :-

16. In the result, a Writ in the nature of a Writ of Mandamus is issued, directing the Teachers Recruitment Board to consider the case of the petitioners for appointment to the post of Computer Instructors pursuant to the certificate verification conducted earlier and based on the interim order granted by this Court on 27 February 2015 and publish their results. Such exercise shall be completed within a period of 1 week from the date of receipt or production of a copy of this order.

17. In the upshot, I allow the Writ Petitions. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
School Education Department,
Fort St.George, Chennai 9.

2.The Deputy Director,
Professional and Executive Employment Office,
Guindy, Chennai 32.

3.The Member Secretary,
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4th Floor, EVK Sampath Maaligai,
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Abdullapuram,
Melmanavur,
Vellore District 632010

6.The Director,
Professional and Executive Employment Office,
Guindy, Chennai 32.

7.The District Employment Officer,
District Employment Office,
Villupuram.

2 cc to Government Pleader, Sr.No.15620, 15617

2 cc to Mr.M.S.Ramesh ,Advocate, SR.No.15329,15330

W.P. Nos.841 and 3040 of 2015

msm(co)pmk.24.3.2015