

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

WP.No.17112/2013 & M.P.No.1/2013

J.Amuthamani

..Petitioner

-Vs-

The Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai-6.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to appoint the petitioner as Post Graduate Assistant in Botany pursuant to the Advertisement No.3/2012 dated 28.02.2012.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.Zaakir Hussain, GA

ORDER

Heard Mr.V.Vijay Shankar, learned counsel for the petitioner and Mr.A.Zaakir Hussain, learned Government Advocate appearing for the respondent. With the consent of either side, the writ petition is taken up for final disposal.

2.The petitioner had participated in the recruitment to the post Post Graduate Assistant in the year 2011-2012, wherein she had secured 69 marks in Written examination. The petitioner claims benefit under the quota for "Scheduled Tribe Women". According to the petitioner, during the recruitment process, the posts for all the subjects except Botany were filled and though the petitioner is fully qualified for the post of PG Assistant [Botany], she was not considered for the said post by the respondent and hence, the present writ petition is filed.

3.Apparently, the recruitment process for the year 2011-2012 has already been completed and even assuming the petitioner was considered to be qualified, it would only disturb the entire

recruitment process that was completed in 2011. At this juncture learned counsel for the petitioner would submit that since she possess all the qualifications and had also the required marks, the respondent / Board may consider the petitioner's case, if there are any vacancies still available in the Board. Though the respondent had taken notice in this writ petition way back on 25.06.2013, no counter affidavit has been filed till date. Nevertheless, the learned Government Advocate would submit that if the respondent are directed to consider the candidature of the petitioner for the future, the same would be considered. It is also the submission of the learned Government Advocate that it is open to the petitioner to apply for the said post pursuant to such recruitment.

4. At this juncture the learned Government Advocate produced a letter sent by him to the respondent seeking for instructions in the writ petition. Even on receipt of this letter, the respondent has not instructed the learned Government Advocate.

5. Under such circumstances, the petitioner is permitted to make an application to the respondents, seeking for appointment in any of the vacancies for the post of P.G. Assistant Botany, for the recruitment process already held in the year 2011-2012 and on receipt of the such representation, if any vacancies are still available for the recruitment conducted for the year 2011-2012 for the said post, the same shall be considered by the respondents for the purpose of accommodating the petitioner and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

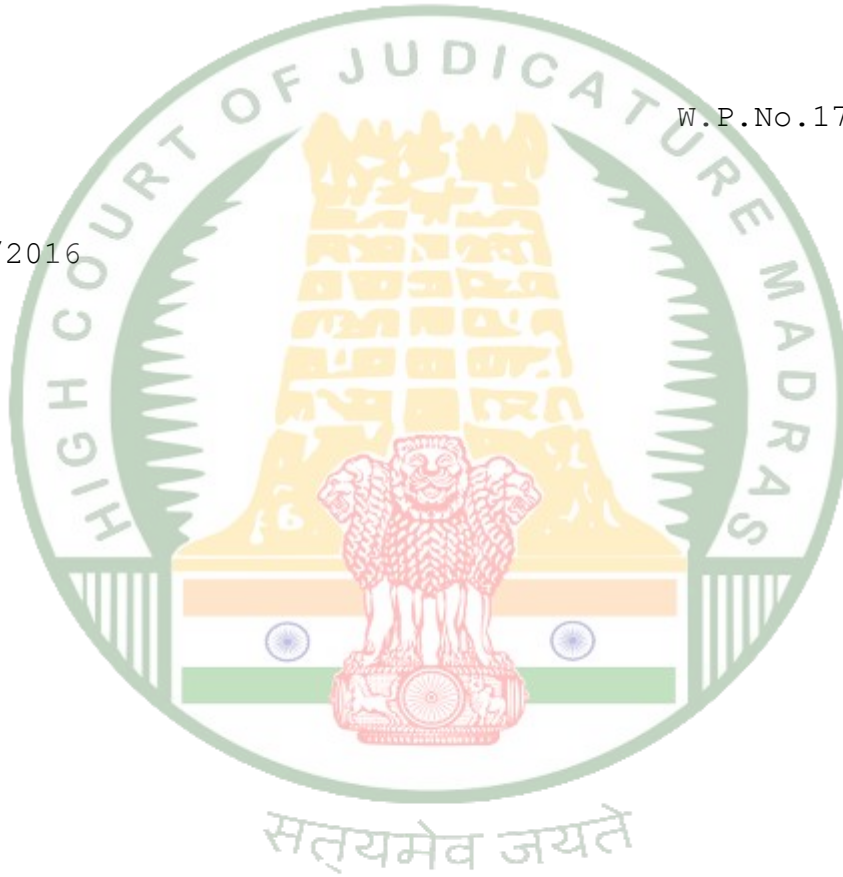
KP
To

The Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai-6.

+!cc to Mr.Vijay Shankar, Advocate sr.67722
+lcc to the Government Pleader sr.67926, 68101

W.P.No.17112 of 2013

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srg 22/12/2016



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