

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.12.2016

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.43683 of 2016

and

W.M.P.Nos.37492 and 37493 of 2016

P.Vanitha ... Petitioner

-Vs-

1. The State of Tamilnadu, rep.
by Secretary to Government,
School Education department,
Fort St.George, Chennai - 600 009.
2. Teachers Recruitment Board,
rep. by Member Secretary,
Chennai - 600 006.
3. The Assistant Director,
Professional & Executive Employment Office,
District Employment Office Building,
Thiru-Vi-Ka Industrial Estate,
Guindy,
Chennai - 600 032. ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Notification/ Advertisement bearing No.07/2014 dated 13.10.2014 on the file of the second respondent, quash the same insofar as prescription of qualification in contravention of the Adhoc Rules for the post of Vocation Instructors (Computer Science) in Higher Secondary Schools (G.O.Ms.No.7, School education, 4th January,2000) and to direct the first and second respondents to select and appoint the petitioner in one of the existing vacancies in pursuant to the representation dated 16.09.2016.

For Petitioner : Mr.R.Selvakumar
For Respondents : Mr.R.A.S.Senthilvel,
Addl.Govt.Pleader.

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, accepts notice on behalf of the respondents.

2. The petitioner possesses B.Sc., (Maths) degree as well as M.C.A. degree and got her B.Ed. degree through MEASI College of Education and the said Institution is affiliated to University of Madras in the year 2007 and the petitioner claims that she belongs to Backward Class community. The petitioner got herself registered with the 3rd respondent and her registration seniority is 26.07.2007 insofar as M.C.A., B.Ed., Degrees are concerned. The petitioner would further submit that the 2nd respondent issued advertisement/notification, dated 13.10.2014 notifying about 652 vacancies for the post of Computer Instructor and had called for list of candidates from the 3rd respondent and the notification prescribes the following qualifications.

Candidates holding B.Ed., Degree,
coupled with:
a) B.E. (Computer Science)
b) B.Sc. (Computer Science)
c) B.C.A.
d) B.Sc (Information Technology)

3. The grievance expressed by the petitioner is that though she possesses M.C.A. degree and the qualification prescribed in the notification issued as per G.O.Ms.No.7 School Education, dated 04.01.2000, among other things is (i) One year Post Graduate Diploma Course in Computer Application offered by recognized University or equivalent, or (ii) Diploma course in System Analysis and Data Processing offered by Annamalai University or equivalent, or (iii) Certificate on 'O' Level examination conducted by department of Electronics or equivalent, or (iv) Certificate course in Computer in Programming conducted by the recognized College of Universities, for a period of not less than six months of equivalent, her name is not considered.

4. Learned counsel for the petitioner would submit that the prescribed qualification includes Diploma also. The claim of the petitioner is that though she possesses superior degree in the form of post graduate degree in Computer Application, she has not been considered and in this regard, she has also approached

this Court, by filing a writ petition in W.P.No.31073 of 2014 to direct the respondents to consider the candidature of the petitioner as prescribed in the notification/ advertisement dated 13.10.2014 on the file of the first respondent in pursuant to the representation of the petitioner dated 07.11.2014. This Court, by order dated 02.09.2016, has permitted the petitioner to make a fresh representation to the 2nd respondent and directed the 2nd respondent to consider and dispose of the said representation in accordance with law within the stipulated time and though the petitioner has submitted a representation on 16.09.2016, so far no orders have been passed. The petitioner, though possesses prescribed qualification, is unable to participate in the selection process and therefore, prays for appropriate orders.

5. This Court heard the submission of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader who appears on behalf of the respondents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, either in the writ petition or in the representation, directs the 1st respondent to consult with the 2nd respondent and thereafter dispose of the representation dated 16.09.2016 submitted by the petitioner in accordance with law and pass orders within a period of ten 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. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

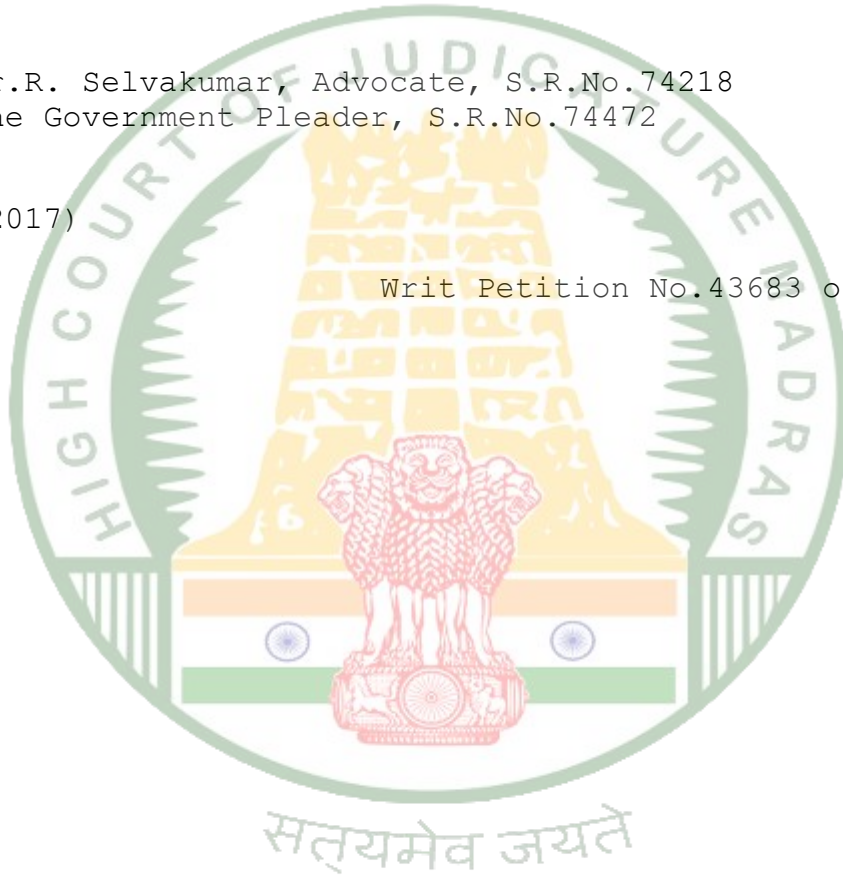
1. The Secretary to Government,
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3. The Assistant Director,
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District Employment Office Building,
Thiru-Vi-Ka Industrial Estate,
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Chennai - 600 032.

+1cc to Mr.R. Selvakumar, Advocate, S.R.No.74218
+1cc to the Government Pleader, S.R.No.74472

sk(CO)
md(18/01/2017)

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