

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.790 of 2016

G.Venkateswaran

...PETITIONER

Vs

- 1 The Chairman
Teachers Recruitment Board,
4th Floor, EVK Sampath Malaigai,
DPI Campus, College Road,
Chennai-600 006.
 - 2 The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
 - 3 The Chief Educational Officer,
Namakkal District, Namakkal.
 - 4 The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
- ...RESPONDENTS

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue an order of appointment of the petitioner to the post of Secondary Grade Assistant based on the selection conducted through Tamil Nadu Teacher Eligibility Test - 2012 (12TE33250499) based on the posting orders issued by the 2nd respondent in Na.Ka.No.27925/D1/2012 dated 11.01.2013 in any of the vacancies in Namakkal District within a time frame to be fixed by this Honourable court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

The Petitioner has come forward with this Writ Petition seeking a direction to the respondents to issue an order of appointment to the petitioner for the post of Secondary Grade Assistant based on the selection conducted through Tamil Nadu Teacher Eligibility Test - 2012 (12TE33250499) on the basis of posting orders issued by the 2nd respondent in Na.Ka.No.27925/D1/2012 dated 11.01.2013 in any of the vacancies in Namakkal District within a time frame to be fixed by this court.

2. Heard Mr.G.Sankaran, learned counsel for petitioner and Mr.N.Srinivasan, learned Additional Government Pleader appearing for the respondents.

3. According to the petitioner, the petitioner is a diploma holder in Teacher Education (D.T.Ed.). The 1st respondent has conducted Teacher Eligibility Test in October 2012 and the petitioner herein, who has secured 103 marks in the said test was declared as 'pass'. Since the number of persons cleared TET was less than the number of vacancies available, all the persons passed TET were considered for appointment to the post of Secondary Grade Assistant/BT Assistant. Subsequently, the petitioner was issued with a call letter for certificate verification to be conducted on 8.11.2012 and accordingly, the petitioner produced all the certificates which got duly verified by the officer concerned.

4. It is the case of the petitioner that there was no subsequent intimation about counseling for posting orders. However, when the petitioner was at Chennai, on 11.2.2012, he was informed over phone in the morning that he has to attend the counseling for posting in the office of CEO, Namakkal (3rd respondent) at 10 a.m. Since there was no prior intimation or communication and at the time of counseling, as the petitioner was at Chennai, he could not be able to attend the counseling on that day. Thereafter, the petitioner made a representation before the 3rd respondent on 14.12.2012 seeking to issue an order of appointment in Namakkal District and he was informed that he would be issued with separate orders by the 2nd respondent subsequently.

5. Thereafter, he received an order of appointment dated 11.1.2013 issued by 2nd respondent appointing him in A. Pallathur, Panchayat Union Primary School, Uthangarai Union, Krishnagiri District and on receipt of the same, petitioner approached the 4th respondent on 23.1.2013 and submitted a representation to join the said post and sought for issuance

of appointment order. It was informed by the 4th respondent that the proceedings of the 2nd respondent dated 11.1.2013 has not reached the office of the 4th respondent and hence he was not allowed to join in the post of Secondary Grade Teacher in A. Pallathur Panchayat Union Primary School.

6. It is his further case that the petitioner has made a representation to the 4th respondent on 11.2.2013 seeking to issue an order of appointment to join the post of Secondary Grade Teacher in A. Pallathur Panchayat Union Primary School, Uthangarai Union and on the same day, he submitted representation to the 3rd respondent also. However, the representation of the petitioner followed by several reminders were not considered by the respondents and the same was kept pending till date. Hence the petitioner is before this Court.

7. Learned counsel for the petitioner submitted that inspite of several representations, the same have not been considered by the respondents till date and the petitioner was not issued with an order of appointment for the post of Secondary Grade Teacher in A. Pallathur, Panchayat Union Primary School, though he was issued with order of posting. He further submitted that it would be suffice if the petitioner's representation seeking for issuance of appointment in any vacancy to the post of Secondary Grade Teacher is considered by the respondents within the time frame fixed by this Court.

8. Learned Additional Government Pleader submitted that no acknowledgment is produced to have submitted those representation, but he has no objection for granting such relief to the petitioner.

9. Based on the selection conducted through Tamilnadu Teachers Eligibility Test, the petitioner, claims that he submitted several representations followed by repeated reminders, but the same have been kept pending till date without passing any orders. As pointed out by the learned Additional Government Pleader, there is no acknowledgment available in the typedset of papers. Therefore, the petitioner is directed to submit a fresh representation to the 2nd respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on such representation, the 2nd respondent as well as the 3rd respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of six weeks thereafter.

10.The Writ Petition is disposed of with the above direction. No costs.

sd/-
Assistant Registrar (Cs-VI)

/TRUE COPY/

Sub-Assistant Registrar

msr

To

- 1 The Chairman
Teachers Recruitment Board,
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 - 4 The District Elementary Educational Officer,
Krishnagiri, Krishnagiri District.
- +1 CC to MR.G.Sankaran Advocate. SR.NO.2197
+1 CC to Govt.Pleader. SR.NO. 2227

W.P.No.790 of 2016

CO-AK
JD 08/02/2016

सत्यमेव जयते

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