



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.12.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P(MD)No.2517 of 2011

and

M.P. (MD) Nos.1 to 3 of 2011

G.Maheswari

.. Petitioner

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Secretariat, Chennai.
- 2.The Commissioner,
Commissionerate,
Department of Employment and Training,
Guindy, Chennai-32.
- 3.The Chairman,
The Tamil Nadu Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.
- 4.The District Employment Officer,
The District Employment Office,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent No.3 to call the petitioner for certificate verification for the post of B.T. Assistant in Zoology in the Direct Recruitment of Graduate Assistants for Government Middle High/Higher Secondary School 2010-2011 and appoint her in the post of B.T. Assistant with consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

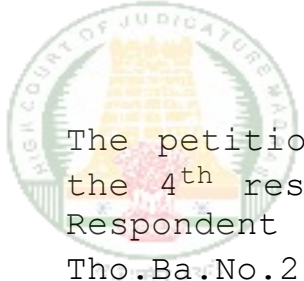
For Respondents : Mr.K.Guru

Government Advocate

O R D E R

The petitioner has filed this writ petition for issuance of Writ of Mandamus directing the respondent No.3 to call the petitioner for certificate verification for the post of B.T.Assistant in Zoology in the Direct Recruitment of Graduate Assistants for Government Middle/High/Higher Secondary School 2010-2011 and appoint her in post of B.T. Assistant with consequential

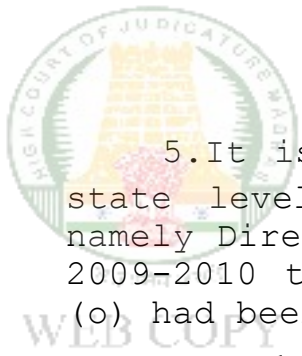
2.The case of the petitioner is that he belong to Hindu-Chakkilliyan (SC-A) Community and he has passed graduation in B.Sc., (Zoology) in the year of 1998 and B.Ed., in the year 2004 with the Manonmaniyam Sundaranar University, Tirunelveli District.



The petitioner has registered the above said qualification before the 4th respondent on 22.07.2004. While so, on 27.09.2010 the 2nd Respondent has announced by way of their proceedings in Tho.Ba.No.21782/2010 that the 3rd Respondent will appoint a B.T. Assistant in the year of 2010-2011 by direct recruitment. It is further stated in the said notification that candidates will be sponsored from the seniority date in the category of SC-A in nine subjects. There are eight vacancies indicated in Zoology department and for that 40 persons will be called for certificate verification in the ratio of 1:5.

3.It is the further case of the petitioner that the cut of date was fixed to sponsor the seniority list for the subject of Zoology as 28.07.2006 on General Category. The Petitioner's registration date is 22.07.2004 and therefore he is certain that the 3rd respondent would send call letter to him for certificate verification. But there is no communication from 2nd & 3rd Respondents. Therefore the petitioner had met the 2nd & 3rd Respondents in the month of January 2011 in person and enquired about the non issuance of call letter to him. But there is no proper reply from them. On the other hand, the 2nd Respondent has sponsored the eligible candidate list to the 3rd Respondent and the 3rd respondent has also conducted certificate verification on 17.02.2011 and 18.02.2011. The petitioner's juniors, who were registered after 22.07.2004 were called for certificate verification and the appointment order is yet to be issued. On coming to know about the same, the petitioner has sent a representation on 22.02.2011 to the Respondents 1 to 3 and categorically stated all the facts and sought for issuance of call letter to him for certificate verification and appoint him to the post of B.T. Assistant (Zoology). Since the petitioner's representation was not considered, the petitioner has filed the present writ petition for relief mentioned above.

4.The 4th respondent has filed counter affidavit and submitted that the petitioner has registered her B.Sc., B.Ed., (Zoology) qualification in the office of 4th respondent on 22.07.2004 under the registration No.1998F09051. She was classified under SC category during the time of registration. There was no separate reservation for SC (A) prior to the issuance of G.O.Ms.No.50 Adi Dravider and Tribal Welfare, (Tribal Development- 2) Department dated 24.04.2009 and there was reservation only for Scheduled Caste, which included SC(A) also. In the Employment Exchange records, there was only one B.T. Assistant candidate of Tirunelveli District, up to 30.07.2010 and sent it to 2nd respondent namely Director of Employment Exchange, Chennai. The petitioner had not produced her SC Arunthathiyar certificate at the office of 4th respondent within the stipulated time, even though wide publication was issued in the news paper. Because of this, the petitioner's name was not included in the list sent to the 2nd respondent namely Director of Employment and Training, Chennai-32.



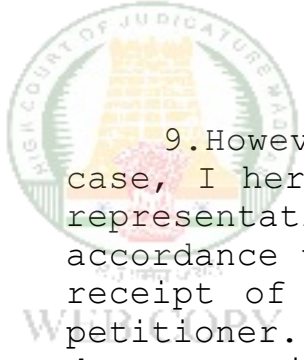
5.It is further submitted by the 4th respondent that when the state level seniority list was finalized by the 2nd respondent namely Director of Employment and Training, Chennai-32 for the year 2009-2010 the cut off date for B.T. Assistant (Zoology) SC (A)/SC (o) had been finalized as follows:

- 1.Cut off date arrived for SC (A) Women category - upto 07.06.1999
- 2.Cut off date arrived for SC (A) General category - Upto 29.01.2003.

6.The 3rd Respondent has filed separate counter affidavit and submitted that the Petitioner's name was not sponsored by the Employment Exchange for the post of B.T. Assistant (Zoology) to the 3rd Respondent. However, subsequently the petitioner's name was sponsored by the 4th Respondent under Schedule Cast Arunthathiyar community and call letter was send to her. The Petitioner was also attended the certificate verification. The last candidate selected under Schedule Caste Arunthathiyar General turn for the subject of Zoology is 27.12.1995. But the Petitioner date of registration with the District Employment Exchange is 22.07.2004 which is not reached the selection zone for that particular recruitment. Therefore the Petitioner could not be considered for the post of B.T. Assistant in Zoology.

7.I heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.K.Guru, learned Government Advocate appearing for the respondents. I have carefully considered the arguments of the Learned Counsels for the Petitioner and the Respondents and perused the records.

8.It is an admitted case on either side that the Petitioner belongs to S.C. Arunthathiyar and there is no dispute regard to the qualification of the Petitioner and the registration of her educational qualification with the District Employment Exchange. Further the Petitioner was also called for certificate verification and she also attended the certificate verification. However the Petitioner could not be selected for the post of B.T. Assistant, since the last candidate selected under S.C. Arunthathiyar General turn for the subject Zoology is 27.12.1995. But in this case, the Petitioner contented that the Petitioner's juniors were called for certificate verification, who were registered after the registration of the Petitioner. But there is no concrete material proof is produced before this court that the petitioner's juniors were appointed or not followed by their certificate verification. Further, this court can't go into the disputed question of facts that whether the petitioner has furnished the certificate relating to her caste S.C. Arunthathiyar before the 4th respondent within the time limit prescribed by the 4th respondent, District Employment Exchange. Therefore, the factual dispute of the parties can't be gone into by this court in this writ petition and it is for the authorities to decide the same based on the available materials on record.



9. However, considering the facts and circumstances of the case, I hereby direct the respondents 3 & 4 herein to consider the representation of the petitioner dated 22.02.2011 on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order after affording opportunity to the petitioner. The petitioner is also at liberty to produce any documents in support of her case and in case of any documents is produced by the petitioner, that may also be considered by the respondents while deciding the case of the petitioner.

10. This writ petition is disposed of with the above direction. No cost. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C)

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Sub Assistant Registrar

To

1. The Secretary,
The Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai.
2. The Commissioner,
Commissionerate,
Department of Employment and Training,
Guindy, Chennai-32.
3. The Chairman,
The Tamil Nadu Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.
4. The District Employment Officer,
The District Employment Office,
Tirunelveli District.

+1 cc to MR.T.Lajapathi Roy, ADVOCATE, SR NO:79419
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO:79494

vsa/skn
sva/sv/mms/20.02.2017/4p/7c

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