



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

Coram

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P. (MD) .No.3947 of 2011

P.Tamilarasi

:Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort.St.George,
Chennai-600 009.

2.The Chairman,
Teachers Recruitment Board,
Government of Tamil Nadu,
E.V.K.Sampath Maligai,
D.P.I.Compound,
College Road,
Chennai-600 006.

3.The Director of College Education,
E.V.K.Sampath Maligai,
D.P.I.Compound,
College Road,
Chennai-600 006.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records of the second respondent Teachers' Recruitment Board, College Road, chennai-600 006 vide his letter No.O.Mu.No.2088/A6/2010 dated 09.12.2010 through the Public Information Officer and Additional Member for the Right to Information Act of the Teachers' Recruitment Board, College Road, Chennai-600 006 and quash the same and to direct the 1st and 2nd respondents to select and appoint the petitioner in the post of Lecturer in the Home Science Department in any one of the respondents Government Colleges in Tamil Nadu as per the interview conducted by the second respondent on 08.06.2009 and as per the proceedings No.2843/A6/08 dated 29.05.2009.

For Petitioner : Mr.R.Rajagopal

For Respondents : Mr.S.Kumar

**ORDER**

The writ petitioner is a Post Graduate in Home Science from Avinashalingam Institute for Home Science and Higher Education for Women- Deemed University, Coimbatore, in the year May 2002 with First Class. She has specialised in Food Service Management and Dietetics in P.G. Studies. She has completed her M.Phil in Food Service Management and Dietetics. She has also passed National Eligibility Test (N.E.T) Examination for Lectureship held in January 2003 in Home Science with Food Service Management and Dietetic. She has qualified herself in the State Level Eligibility Test (SLET) conducted by Bharathiyar University, Coimbatore for Lectureship in September 2004. She has worked as Lecturer in various Colleges and have experience in the field of teaching.

2. On 07.03.2009, the second respondent called for Certificate verification vide letter No.2843/A6/2008 dated 23.02.2009. Thereafter, the petitioner was called for interview on 08.06.2009, at the second respondent Office at Chennai, vide its letter No.2843/M6/08 dated 29.05.2009. The petitioner attended the interview and performed well. Thereafter, no information was heard from the second respondent or any other respondent.

3. The petitioner's father made an application under the Right to Information Act, seeking information about the selection with regard to the Lecturer in Home Science, to which, a reply in letter No.O.Mu.No.2088/A6/2010 dated 09.12.2010 was given to the petitioner's father, wherein the second respondent had given an information that except one post under General Turn, none of the posts were filled up. Aggrieved by the information given to the father, the writ petitioner challenges the information under the Right to Information Act given to her father dated 09.12.2010 and seeks for consequential direction to select and appoint the writ petitioner in the post of Lecturer in the Home Science Department in any one of the respondent Government Colleges in Tamil Nadu as per interview conducted by the second respondent on 08.06.2009.

4. The learned Counsel appearing for the petitioner would rely on the judgment of this Court in W.P.No. 15796 of 2009 dated 26.07.2010, wherein the similarly placed candidates had challenged their non-selection. In the instant case, the Internet information shows that the petitioner was not selected under the Scheduled Caste category for the reason that she had not qualified the relevant subject with an endorsement, 'not relevant subject'.



5. The learned Counsel appearing for the petitioner taking through the judgment passed by this Court, strenuously insisted that similar treatment shall be accorded to the writ petitioner as she was also rejected on the ground of 'not relevant subject' insofar as the Home Science is concerned. It is argued that no University in Tamil Nadu is offering M.SC Home Science, but it is called Food and Nutrition, Food Science Management, Food Resource Management or Food Service Management etc. Therefore, the petitioner should also have been considered as the qualified candidate for being appointed as Lecturer in any of the Colleges.

6. I have gone through the materials relied upon by the petitioner. This Court had given a direction directing the respondents to consider the petitioner for the post of Lecturer in Home Science in the recruitment year 2008-09. The learned Counsel also produced various notifications that calling for recruitment for the post of Lecturers in the Colleges in Tamil Nadu. Whereas, none of the notification calls for any vacancy for the discipline of Home Science even though two posts were left vacant from the year 2009. The learned Counsel would also submit that the petitioner belongs to Schedule Caste and she is fully qualified to be appointed as Lecturer in the Colleges in the said discipline of Home Science.

7. Considering the arguments and the relevant documents produced before this Court, the petitioner appears to have acquired all the qualifications for the appointment of Lecturer in the discipline of Home Science.

8. Following the judgment of this Court, a direction is issued to the respondents to consider the petitioner to the post of Lecturer as done in the case of similarly placed persons and pass suitable orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

TO

1. The Secretary to Government of Tamil Nadu,
<https://hcservices.ecourts.gov.in/hcservices/>
Higher Education Department,
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+2 cc to Dr.R.Rajagopal, Advocate in SR No.70783
+1cc to the Spl.Govt.Pleader in SR No.71137

W.P. (MD) No.3947 of 2011
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GSR
ANR/GSU-PM/SAR1/28.11.2016/4P/7C