

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.1176 of 2015
and M.P.Nos.1 and 2 of 2015

The Chairman
Teachers Recruitment Board
College Road
Chennai-600 006

..Appellant/1st Respondent

Vs

1.R.R.Lakshmi

2.The Assistant Director
Professional & Executive
Employment Exchange Office
Santhome, Chennai-600 004

..Respondents/Petitioner/2nd Respondent

Prayer : Writ Appeal filed against the order dated 25.02.2014
passed in W.P.No.29360 of 2012.

WP.NO.29360/2012: Writ Petition filed Under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus To calling for the records on the file of the second respondent pertaining to the recruitment for the post of Graduate Assistants in Geography under MGPR Quota and quash the impugned notification dated 8.9.2011 to the extent that Candidate under Most Backward General Priority is not available issued by the second respondent and consequently direct the second respondent to call for Certificate Verification of the petitioner for the post of Graduate Assistant in Geography under MGPR Category and also direct the first respondent to recommend petitioner candidature to the second respondent for the Certificate Verification for the post of Graduate Assistant in Geography

For Respondent :: Ms.R.Santhi Devi and Ms.O.P.V.Srimathi
for Mr.C.Srikanth

For Appellant :: Mr.K.Venkataramani,
Addl Advocate General
Assisted by
Mr.P.S.Sivashanmugasundaram, Spl.G.P.

JUDGMENT

(Judgment of the Court was made by
RMT.TEEKAA RAMAN, J.)

The State has preferred this Writ Appeal against the order of the learned Single Judge, dated 25.02.2014 made in W.P.No.29360 of 2012, wherein, a direction was given to the respondents to consider the case of the Writ Petitioner for appointment for the post of Graduate Assistant in Geography under MGPR category.

2. The Writ Petitioner/1st respondent herein, has filed W.P.No.29360 of 2012, praying for the relief as stated infra:-

"Writ of Certiorari calling for the records on the file of the second respondent pertaining to the recruitment for the post of Graduate Assistants in Geography under MGPR Quota and quash the impugned notification dated 08.09.2011 to the extent that "Candidate under Most Backward General Priority is not available, issued by the second respondent and consequently direct the second respondent to call for certificate verification of the petitioner for the post of Graduate Assistant in Geography under MGPR category and also direct the 1st respondent to recommend petitioner's candidature to the second respondent for the certificate verification for the post of Graduate Assistant in Geography."

3. The learned Single Judge, after elaborate discussion of the submissions made on both sides, held as follows:-

"This court directs the first respondent to consider her case for recommending her candidature to the second respondent for certificate verification to the post of Graduate Assistant in Geography under MGPR category and then, this Court also directs the second respondent to consider the case of the petitioner (subject to eligibility and suitability) by calling her for Certificate Verification for the post of Graduate Assistant in Geography under MGPR category and when it is found

that she is quite eligible and suitable in all respects, consider her case in the manner known to law and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Further, if the petitioner is found eligible for appointment to the post of Graduate Assistant in Geography under MGPR category, then she may be considered for appointment for the post of Graduate Assistant in Geography under MGPR category by the first and second respondents and further, they are directed to place the petitioner in seniority at the appropriate place in the manner known to law and in accordance with law."

4. The learned counsel for the Writ Petitioner/1st respondent would submit that with the M.Sc., M.Ed., M.Phil qualifications, the Writ Petitioner/1st respondent registered her name in the Employment Exchange for the post of Teacher and she renewed her registration periodically without any break, however, the notification dated 08.09.2011 was issued by the concerned Authority in and by which, it was mentioned as to "MGPR not available".

5. Taking into account all the attendant circumstances of the case, the learned Single Judge held as follows:-

"to secure the ends of justice and in furtherance of substantial cause of justice, this court sets aside the impugned notification dated 08.09.2011 pertaining to the recruitment of Graduate Assistant in Geography under MGPR quota to the extent that "MGPR not available". Viewed in that perspective, the Writ Petition filed by the Petitioner succeeds."

6. After hearing both parties at length and on a careful perusal of the order of the learned Single Judge, we are of the considered view that the order of the learned Single Judge holds good and therefore, we are not inclined to interfere with the direction issued by the learned Single Judge.

7. Accordingly, the appellant/State is directed to consider the petitioner's case and call for certificate verification as she found to be an eligible candidate for the post of Graduate Assistant in Geography under MGPR category. Accordingly, while concurring the view of the learned Single Judge, we direct the appellant to fix a date for counselling and call for certificate verification, on which date, the 1st respondent/Writ Petitioner shall appear before the respondents and produce necessary certificates. The appellant shall consider and pass necessary orders, within 4 weeks thereafter.

This Writ Appeal is disposed of on the above terms. No costs. Consequently, connected MP is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Chairman
Teachers Recruitment Board
College Road, Chennai-600 006

2.The Assistant Director
Professional & Executive
Employment Exchange Office
Santhome, Chennai-600 004

+ 2 cc to Ms.R.Santhi Devi Advocate,SR.86871

+ 1 cc to The Govt.Pleader, SR.86871

W.A.No.1176 of 2015

GJ(CO)
NR 11/01/2018



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