

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.643/2017

E.Jayapradha

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Petitioner

Vs

1.The Secretary to Government
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.

2.The Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road
Chennai 600 006.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to appoint the petitioner as Post Graduate Assistant in Bio-Chemistry as notified in the advertisement NO.2/2013 dated 09.05.2013 issued by the 2nd respondent herein.

For Petitioner : Ms.Rohini Ravikumar
For R1 & R2 : Mr.P.Senthilvel, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner claims that she has completed B.Sc., [Bio-Chemistry] as well M.Sc. [Bio-Chemistry] and also B.Ed., and she came across Advertisement No.2/2013 dated 09.03.2013 issued by the 2nd respondent wherein 16 posts have been notified for the post of P.G.Assistants / Physical Education Directors Grade-I and 3 posts were allotted to the candidates belonging to Most Backward Class. The petitioner would state that she belongs to Most Backward Class / De-Notified Community and her application was entertained and she was permitted to appear for examination and her Roll Number is 13PG13160036. The petitioner had secured 99 marks out of 150 marks as per revised result dated 09.01.2014 published by the 2nd respondent. Certificate verification was also done and it was found that the candidate, viz., Thiru.V.Thailappan, had completed B.Sc.[Chemistry] and M.Sc., [Bio Chemistry] and since he did his Graduation and Post Graduation in different

subjects, his candidature was rejected and challenging the same, he filed WP.No.31769/2013 and it was entertained and notices were ordered. According to the petitioner, on account of the disqualification of Thiru.V.Thailappan, she is the next available candidate to be appointed and she has taken steps to implead herself as a party in the said writ petition and however, it came to be dismissed as withdrawn on 30.09.2016. It is the specific case of the petitioner that on account of the dismissal of the writ petition, Thiru.V.Thailappan has lost his chance to become Post Graduate Assistant [Bio Chemistry] and in his place, the petitioner should have been accommodated and since it was not done so, she has submitted a representation dated 09.10.2016 to the 2nd respondent with a copy marked to the 1st respondent, praying for her accommodation and despite the receipt and acknowledgment, no orders have been passed and hence, she came forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.P.Senthilvel, learned Government Advocate appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 09.10.2016 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.

2.The Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road
Chennai 600 006.

+1 cc to M/s.Rohini Ravikumar, advocate, sr.2693

+1 cc to Government Pleader, sr.2613.

sv (co)

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<https://hcservices.ecourts.gov.in/hcservices/>

W.P.No.643/2017