

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.6.2017

CORAM

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

W.A.No.147 of 2017
and
C.M.P.Nos.2561 and 2562 of 2017

1. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
College Road, Chennai-6.
 2. The Director of School Education,
College Road, Chennai-6.
- Appellants

Versus

1. T.N.Russel Raj
 2. The Assistant Director,
Professional & Executive
Employment Office,
Santhome High Road,
Chennai-28.
- Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 24.8.2016 passed in W.P.No.6412 of 2013 on the file of this court.

W.P.No.6412 of 2013 dt.24/8/16:

This Writ Petition is filed to issue a Writ of Mandamus to direct the respondents 1 and 2 to consider and appoint the petitioner in the post of Post Graduate Assistant (Tamil) on par with his Educational Qualification and after adding 106 marks scored in the Written Examination along with 4 marks under weightage marks category as per Clause 16 of the Prospectus issued by the 1st respondent by considering the representation dated 15.12.2012

For appellants:Mr.K.Venkataramani,
Additional Advocate General
assisted by
Mrs.A.Srijayanthi, Special Govt. Pleader

For R1 :Mr.R.Godson Swaminath

For R2 :Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Additional Advocate General for the appellants, Mr.R.Godsonswaminath, learned counsel who takes notice for the first respondent and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice on behalf of the second respondent.

2. The order passed by the learned Single Judge directing the appellants to consider the writ petitioner for the post of Post Graduate Assistant (Tamil) by awarding weightage marks of 4 instead of 2 is under challenge in this writ appeal.

3. It appears that the first respondent herein/writ petitioner competed for the post of P.G. Assistant in the year 2011-2012 on the basis of Advertisement No.3/2012 calling for applications for such post, having registered himself with the employment exchange on 6.11.1998 itself. It is not in dispute that the cut off marks for selection being 110, the writ petitioner had secured 106 marks and he is eligible for weightage marks of 4 considering the waiting period of more than ten years after registering with the employment exchange, but, only 2 marks were granted towards weightage since it was wrongly filled up as 3 years and 4 months by the writ petitioner instead of 13 years and 4 months.

4. It is the main contention of the learned Additional Government General that the above details were filled up only by the writ petitioner in his own handwriting and that is why he was awarded only 2 marks towards weightage.

5. On the other hand, the learned counsel appearing for the writ petitioner submits that though the writ petitioner has made a calculation mistake while mentioning the period of waiting after registration with employment exchange as 3 years and 4 months, he has corrected mentioned the date of registration as 6.11.1998 and therefore, he ought to have been awarded 4 marks towards weightage and thereby he ought to have been offered the appointment.

6. It cannot be disputed that it is the duty of the Government authorities to scrutinise the certificate verification forms properly and they, having failed to do so, tried to put the blame on the writ petitioner for the

calculation mistake done by him. The learned Single Judge, having gone through the materials available, has rightly directed the appellants to consider the case of the petitioner for the current period having found that the writ petitioner had already suffered a period of three years in the process of following it up. Therefore, the argument of the learned Additional Advocate General cannot be countenanced, having regard to the facts and circumstances that the certificate verification forms were not properly interpreted by the Government at the time of considering the case of the petitioner for granting weightage marks for the period of waiting after registering with the employment exchange.

7. The learned Single Judge, has granted the relief, via media, directing the appellants to consider the case of the petitioner only for the current period. Therefore, it does not call for any interference. The writ appeal fails and is dismissed. The appellants are directed to comply with the order of the learned Single Judge within a period of three months from the date of receipt of copy of this judgment. No costs. The connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ssk.

To:

The Assistant Director,
Professional & Executive
Employment Office,
Santhome High Road,
Chennai-28.

+2cc to M/s.P.Godsonswaminath,Advocate sr.39434

+1cc to Government Pleader sr.39718

W.A.No.147 of 2017

ad(co)
ss(4/7/2017)