

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10093 of 2010

and

M.P.No.1 of 2010

M.Manjula

... Petitioner

-vs-

1.The Commissioner of Employment and Training,
Alandur Road,
Guindy, Chennai - 600 032.

2.The District Employment Officer,
Nellikuppam Road,
Cuddalore District.

3.The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Buildings,
College Road,
Chennai - 600 006.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first and second respondent to sponsor the name of the petitioner to the third respondent for the post of Graduate English Teacher and consequently, direct the third respondent to appoint the petitioner as Graduate English Teacher in accordance with law by considering petitioner's representation dated 15.02.2010 and 10.04.2010.

For Petitioner :: Mr.R.Marudhachalamurthy

For Respondents :: Mr.K.Thangapandi
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the first and second respondent to sponsor the name of the petitioner to the third respondent for the post

of Graduate English Teacher and consequently, direct the third respondent to appoint the petitioner as Graduate English Teacher in accordance with law by considering petitioner's representation dated 15.02.2010 and 10.04.2010.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has completed B.A. English Literature in the year 1988 and further passed M.A. English Literature in the year 1994, from Madras University. The writ petitioner had registered her name in the District Employment Exchange, Cuddalore on 07.05.2007. Thereafter, the writ petitioner has completed B.Ed. Degree from Indra Gandhi National Open University in the year 2007 and the same was also registered with the second respondent on 05.05.2008.

3.The learned counsel for the petitioner further states that the writ petitioner is fully qualified to the post of Graduate English Teacher and her name was not sponsored by the second respondent at the appropriate time and in fact some of his juniors were sponsored for appointment to the post of Graduate English Teacher.

4.The grievances of the writ petitioner is that though the writ petitioner is eligible to be sponsored in accordance with the employment seniority, the second respondent has committed an error in not sponsoring the name of the writ petitioner for appointment to the post of Graduate English Teacher. Therefore, the writ petitioner deprived of her opportunity to get the post of Graduate English Teacher.

5.The learned counsel appearing for the writ petitioner has stated that in paragraph 8 of the affidavit the writ petitioner has stated that the writ petitioner has registered her name with the second respondent on 05.05.2008 in the MBC category. However, the persons who were registered with the second respondent in the MBC category on 20.05.2008 were found place in the sponsored list and those candidates were the juniors to the writ petitioner in the same category.

6.This Court is unable to find any details regarding the juniors and their respective registration dates. In the absence of any such details, this Court cannot consider such bald allegations raised in this writ petition. For the purpose of challenging the employment seniority a candidate should furnish the details of the juniors, in respect of the date of the registration, category and other details. This apart, those juniors are also to be impleaded as party respondents in the writ proceedings. In the absence of the specific details in this regard, the writ petition cannot be considered.

7.The learned Government Advocate appearing on behalf of the respondents states that the rules and procedures for appointing the Graduate English Teacher had undergone changes and after enacting the Right to Education Act. The National Counsel for Teachers Education issued guidelines in respect of the minimum qualifications to be followed for appointing teachers across the country. Thus, the rules relating to the qualifications and procedures had undergone changes and now there cannot be any sponsoring from the District Employment Exchange and the petitioner has to participate in the open competitive process for securing employment to the post of Graduate English Teacher.

8.Under these circumstances, this Court is of the view that the relief as such sought for in this writ petition to direct the respondents to sponsor the name of the petitioner cannot be granted. This Court wishes the writ petitioner for securing public employment only by participating in the open competitive process. Thus, no further adjudication is required in this writ petition.

9.Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner of Employment and Training,
Alandur Road,
Guindy, Chennai - 600 032.

2.The District Employment Officer,
Nellikuppam Road,
Cuddalore District.

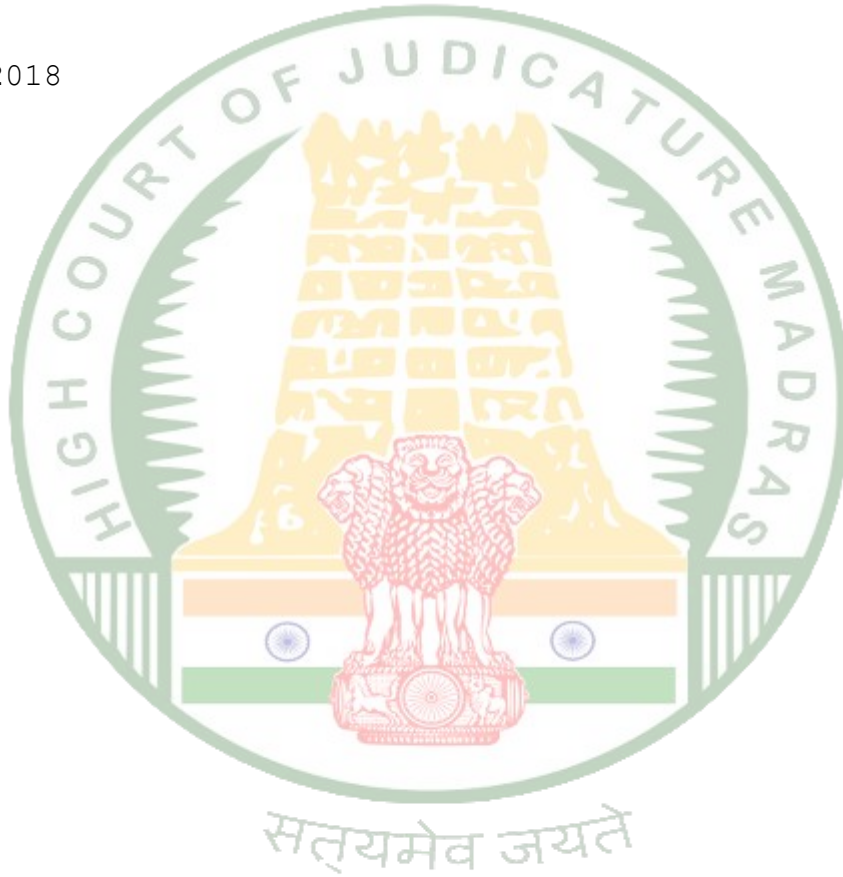
3.The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Buildings,
College Road,
Chennai - 600 006.

+ 1 cc to Mr.R.Marudhachalamurthy Advocate,SR.86756

+ 1 cc to The Govt.Pleader, SR.87384

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pvs (co)
nr 12/01/2018



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