

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2292 of 2017

&

W.M.P. No. 2279 of 2017

Dr.N. Banu

..Petitioner

Vs.

1. The Chairman,
Teachers' Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.
 2. The Member Secretary,
Teachers' Recruitment board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.
 3. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.
- ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to pass orders for inclusion of name of the petitioner (Regn. No. 13AP1639231) in the select list and to issue order of appointment in the post of Assistant Professor in Botany under GT (W) category in the vacancy arose due to non-joining the post by Dr.Sarada D.V.L. (Regn. No. 13A)1638158) based on the selection conducted as per Notification/Advertisement No.04/2013 dated 28.05.2013 with all consequential benefits by considering the representation submitted by the petitioner dated 06.01.2017, within a time frame to be fixed by this Court.

For Petitioner :: Mr.G. Sankaran

For Respondents:: Mr.K. Dhananjayan,
Special Govt. Pleader

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. Mr.K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

3. The petitioner, in the affidavit filed in support of the writ petition, would aver, among other things, that she is having the qualification of M.Sc (Botany), M.Phil and Ph.D and got appointed as Lecturer in Vels College of Arts and Science on 13.10.2005 and continued to work in that capacity. The petitioner also claims that she has acquired additional qualifications of Paper Publications in National and International Level as well as publication of Patent in intellectual property of India, patents, designs and trademarks. It is further submitted by the petitioner that the respondent/Teachers' Recruitment Board (TRB) issued notification No. 04/2013 for direct recruitment of Assistant Professor in Tamil Nadu Collegiate Education Service for Government Arts and Science Colleges, 2012. As per the notification, 65 vacancies to the post of Assistant Professor in Botany were notified and the method of selection involves awarding of weightage marks for Teaching Experience and educational qualification, apart from awarding marks for interview as per the tabulation given below:

1	For Teaching experience in Universities/Government/Aided Colleges / Self Financing Colleges in the approved post including the Teaching Experience (in the relevant subject) of the candidates in Medical/Engineering/Law Colleges. (2 marks for each year subject to a maximum of 15 marks)	Maximum 15 Marks
2	Qualification	
	(a) For Ph.D in concerned subject - 9 marks (b) For M.Phil with SLET/NET - 6 marks (c) For PG & SLET/NET - 5 marks	9 marks
3	Interview	10 marks
	Total	34 marks

4. The petitioner, in response to the said notification, submitted an application for selection to the post of Assistant Professor in Botany and she belongs to Forward Class. Based on the application, the petitioner was allowed to participate in the selection with Registration No. 13AP1639231. During certificate verification, she was awarded with 14 marks for Teaching Experience and 9 marks for educational qualification and in the interview, she secured 6 marks. In aggregate, she has secured 29 marks out of 34 marks and the cut-off marks for GT (G) and GT(W) are 30 marks and 29 marks respectively. Though the petitioner secured cut-off marks fixed for GT (W) i.e, 29 marks, there was another candidate by name Dr.C.K. Hindumathy, who secured the same cut-off mark and who was senior to the petitioner, with reference to date of birth and she was selected. It is the claim of the petitioner that one Dr. Sarada D.V.L., who secured 31 marks and selected under GT (W) category did not join the post of Assistant Professor in Botany in Government Arts and Science College for Women, Pudukottai, to which she is allotted, and that the petitioner, being the next eligible candidate, her name ought to have been positively considered and should have been given appointment as Assistant Professor (Botany). In this regard, she has submitted a representation dated 06.01.2017. Since it is yet to be favoured with any kind of response, came forward to file this writ petition.

5. Learned counsel for the petitioner has drawn the attention of this Court to the order dated 11.06.2015 passed in W.P. No. 12411 of 2015 (Dr.C. Roumana V. The Secretary, Government of Tamil Nadu, Higher Education Department, Fort St. George, Chennai - 3 and The Member Secretary, Teachers' Recruitment Board, 4th Floor, EVK Sampath Maligai, DPI Compound, Chennai -6) and would submit that in similar circumstances, this Court has passed a positive order directing the respondents to give appointment order to the petitioner therein, and it was also implemented by the Higher Education Department by issuance of G.O.Ms.No. 190 Higher Education (F2) Department dated 22.07.2015 and therefore, prays for appropriate orders.

6. Mr.K. Dhananjayan, learned Special Government Pleader for the respondents would submit that the representation of the petitioner would be considered and disposed of, in accordance with law, as expeditiously as possible.

7. This Court has considered the rival submissions and also perused the materials placed before it.

8. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances of the case, without going into the merits of the claim projected by the

petitioner, either in her representation or in the writ petition, directs the 1st respondent to consider the representation of the petitioner dated 09.01.2017, taking note of the above said orders as well as the Government Order and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Teachers' Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.
2. The Member Secretary,
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3. The Director of Collegiate Education,
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Chennai - 600 006.

+1cc to M/s. G. Sankaran, Advocate, S.R.No.6170

+1cc to the Government Pleader, S.R.No.6254

CNR(CO)

EU 06.2.17

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