

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24465 of 2014

K.S.Bhuvaneswari

..

Petitioner

-vs-

1.Government of Tamil Nadu,  
Represented by Secretary to Government,  
School Education Department,  
Secretariat,  
Chennai-600 009.

2.Teachers Recruitment Board,  
Represented by its Member-Secretary,  
College Road,  
Chennai-600 006.

3.The Director of School Education,  
Chennai-600 006.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to select and appoint the petitioner as Graduate Assistant (Mathematics-Telugu) for the recruitment year 2007-2008/2008-2009 and grant all consequential service and monetary benefits.

For Petitioner - Mr.M.Ravi

For Respondents - Mr.K.Thangapandi,  
Government Advocate.

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to select and appoint the petitioner as Graduate Assistant (Mathematics-Telugu) for the recruitment year 2007-2008/2008-2009 and grant all consequential service and monetary benefits.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner belongs to Backward Class Community and she is fully qualified for appointment to the post of Graduate Assistant (Mathematics-Telugu). The writ petitioner states that she was called for Certificate verification from the Teachers Recruitment Board in proceedings dated 21.12.2009 and she had participated and she did not receive any order of appointment. Thereafter, once again, she received a call letter on 30.4.2010 and thereafter, on 23.12.2011 and 13.6.2012 respectively. However, a tentative provisional list was published by the Teachers Recruitment Board only in the year 2012 and the writ petitioner's name was not found in the select list. Thus, the writ petitioner made a representation to the respondents on 17.1.2014 and a reminder on 19.5.2014.

3. This Court is of the view that appointment can never be claimed as a matter of right and a mere process of selection or even the selection, will not confer any right on the candidate to seek appointment. But in the case on hand, the learned counsel for the writ petitioner states that the name of the writ petitioner was improperly considered and her Community 'Backward Class' has not been taken note of, while publishing the select list.

4. Further, it is stated by the writ petitioner that if her name is considered under the B.C. Quota, then she would have been selected. However, this Court is not clear about these facts and under these circumstances, it is preferable to direct the respondents to consider the representation submitted by the writ petitioner in this regard. However, the name of the writ petitioner has not been included in the select list and her representation in this regard, is also not considered.

5. Thus, without going into the merits of the matter, the second respondent is directed to consider the representation submitted by the writ petitioner on 17.1.2014 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation with all other

related documents along with the order passed in this writ petition.

S.M.SUBRAMANIAM, J.

Svn

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to cost

Speaking/Non speaking Order

06-11-2017

Index : yes/no

Svn

To

1.The Secretary to Government,  
Government of Tamil Nadu,  
School Education Department,  
Secretariat,  
Chennai-600 009.

2.Teachers Recruitment Board,  
Represented by its Member-Secretary,  
College Road,  
Chennai-600 006.

3.The Director of School Education,  
Chennai-600 006.

WP 24465 of 2014