

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-10-2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.1673 & 1674 of 2014

and M.P.Nos.1 and 1 of 2014

K.Maheswari ...Petitioner in WP 1673 of 2014

P.Sathyaraj ...Petitioner in WP 1674 of 2014

/versus/

- 1.State of Tamil Nadu represented by its
Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 2.The Teachers Recruitment Board,
represented by its Chairman,
4th Floor, E.V.K. Sampath Maaligai,
DPI Campus,
College Road, Chennai - 600 006.
- 3.The Tamil Nadu Teacher Education University,
represented by its Registrar,
Lady Wellington College Campus,
Kamarajar Salai, Chennai - 600 005.
- 4.Vidya Vikas College of Education,
Represented by its Principal,
Vanhoorampatti Village,
Andipalayam Post,
Thiruchengode - 637 210,
Namakkal District. ...Respondents in both WPs

Writ petitions are filed under Article 226 of Constitution of India, for the issuance of Writs of Mandamus, directing the first and second respondents herein to consider the appointment of the petitioner for the post of B.T. Assistant (English Literature) in respect of the advertisement issued by the second respondent in Advertisement No.3 of 2013 dated 22.05.2013 and the examination conducted on 17.08.2013 and 18.08.2013 without insisting upon the production of

certificate from the third respondent University. (In both)

For Petitioner
in both WPs

: Mr.P.K.Harinath Babu

For Respondents 1 and 2
in both WPs

: Mr.R.Vijayakumar,
Addl. Govt. Pleader.

For Respondent-3
in both WPs

: Mr.U.Venkatesan

For Respondent-4
in both WPs

: Mr.V.Vedhachalam

C O M M O N O R D E R

The relief sought for in these writ petitions are to direct the first and second respondents to consider the appointment of the writ petitioners for the post of B.T. Assistant (English Literature) in respect of the advertisement issued by the second respondent in Advertisement No.3 of 2013 dated 22.5.2013 and the examination conducted on 17.8.2013 and 18.8.2013, without insisting upon the production of Certificates from the third respondent-University.

2. The prayer, as such, sought for in these writ petitions for appointment, cannot be claimed as a matter of right. The persons participated in the recruitment process can claim for appointment only if a legal right is established and after succeeding in the recruitment process.

3. Thus, this Court is of the opinion that appointment can never be claimed as a matter of right and the process of selection can be questioned only if there is any illegality, irregularity, malpractices or corrupt activities by the Recruiting Agency. In the absence of any of these legal grounds, the prayer for direction to grant appointment can never be claimed as a matter of right.

4. The prayer coined in these writ petitions seem to be so innocuous that such a relief cannot be granted by this Court, because the writ petitioners have pleaded that a direction to be issued not to insist upon the production of Certificates from the third respondent-University. In any selection process, production of the requisite Certificates are mandatory and it is one of the conditions for selection. When a prayer is sought for that a direction to be issued to the respondents not to insist upon the production of Certificates from the third respondent-University, at the outset, the prayer cannot be considered.

5. In any recruitment notifications, the conditions, age, educational qualification etc., are prescribed. Complying with the terms and conditions of the notifications are mandatory as far as the candidates, who are submitting applications to participate in the recruitment process. Waiver of the conditions cannot be granted by the Court under Article 226 of the Constitution of India. In the event of holding that any condition is ultra vires to the Constitution, then the Court can interfere. Thus, the relief sought for cannot be considered in respect of the production of Certificates in relation to the qualifications or otherwise.

6. Thus, this Court is of the opinion that the writ petitioners have failed to establish any legal right, so as to consider the prayer as such, sought for in these writ petitions.

7. Accordingly, the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.

2. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
DPI Campus,
College Road, Chennai - 600 006.

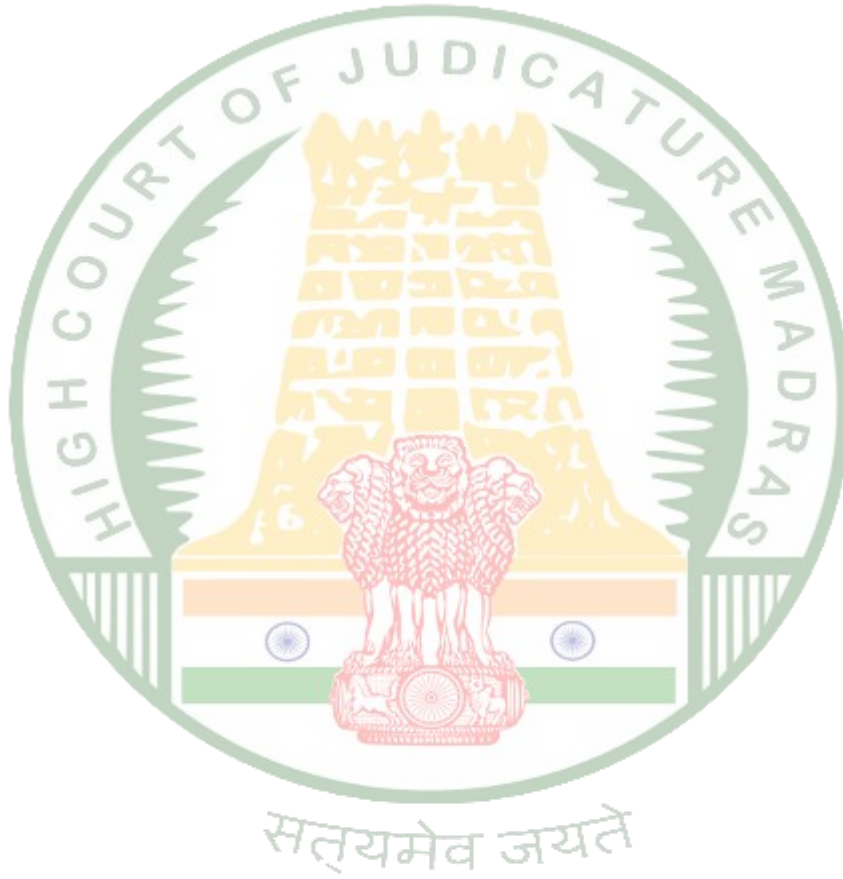
3. The Registrar,
Tamil Nadu Teacher Education University,
Lady Wellington College Campus,
Kamarajar Salai, Chennai - 600 005.

+1 C.C. to MR.U.Venkatesan Advocate SR.NO.71526

+1 C.C. to MR.R.Karthikeyan Advocate SR.NO.71514

WPs.1673 and 1674 of 2014
and MPs.1 and 1 of 2014

RR (CO)
VS 17.11.2017



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