

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH
and
THE HON'BLE Mr. JUSTICE M.SUNDAR

W.P.No.27532 of 2017
and
W.M.P.No.29424 of 2017

S.Krishnan

... Petitioner

Vs.

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road, Chennai - 6.
2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 6.
3. Director of Technical Education (DOTE),
O/o.Directorate of Technical Education,
Sardar Patel Road, Guindy,
Chennai - 25.
4. The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent Board to release the results of the examination held under Notification No.06/2017 dated 28.07.2017 for direct recruitment of Lecturers in Polytechnics of Tamil Nadu after fixing a minimum qualifying/pass mark.

For Petitioner : Mr.R.Priyakumar

For Respondents : Mr.T.N.Rajagopalan,
Government Pleader (I/c)

ORDER
(Order of the Court was made by M.SUNDAR, J.)

This writ petition has been filed by a practising lawyer. This is a public interest litigation.

2.The prayer in the writ petition is inter-alia to mandamus the first respondent before us i.e. Teachers Recruitment Board ('TRB' for brevity) to release the results of an examination that was held pursuant to a Notification bearing Notification No.06/2017 dated 28.07.2017 (hereinafter referred to as 'said Notification' for brevity).

3.The said Notification pertains to direct recruitment of Lecturers in Government Polytechnics in Tamil Nadu.

4.Though it has not been set out in the prayer, from the synopsis and the submission made before us by Mr.R.Priyakumar, learned counsel for the petitioner, we are gathered that the examinations pursuant to the said Notification were held on 16.09.2017.

5.To be noted, the prayer in the writ petition is not restricted to a mandamus to direct TRB to release the results but it is dovetailed with another limb of the prayer that the minimum qualifying pass mark should be fixed. In our considered opinion, this would tantamount to putting the cart before the horse.

6.If we do so, it would tantamount to interfering with the said Notification, which the petitioner has not chosen to challenge.

7.In other words, the said Notification has not been challenged, examination pursuant to the said Notification has been taken and now there is a prayer to release the examination results with a prescription of qualification. This, according to us, is completely untenable.

8.We also find that this matter is arising under service jurisprudence. It has been repeatedly held by this Court that Public Interest Litigations would not lie in matters pertaining to service jurisprudence.

9.Moreover, the writ petitioner is a practising lawyer as we have noted supra.

10.We also find from the case file placed before us that the petitioner has not even chosen to send a representation in this regard either to TRB or to any of the other respondents.

11.Owing to all that we have been set out supra, we find that the prayer is untenable and cannot be acceded to.

12.There is also one more dimension to the issue. If there is any interference by us at this juncture, it will tantamount to affecting the rights of persons who have already taken the examination and who are not parties before us. This is another reason why we find absolutely no reason to interfere in this matter.

13.We find that the writ petition is bereft of merits and deserves to be dismissed. We do so.

14.This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
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Government of Tamil Nadu,
Fort St. George, Chennai - 9.

+lcc to Mr.R.Priyakumar, Advocate, S.R.No.76133

W.P.No.27532 of 2017

PPA(CO)
CA(22/11/2017)