

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.18699 of 2014

M.K.Rejeena

... PETITIONER

Vs

1. The Chairman
Teachers Recruitment Board
College Road, DPI Compound
Numgambakkam, Chennai 6.

2. The Director of School Education
College Road, DPI Compound
Numgambakkam, Chennai 6.

... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the respondents to appoint the petitioner for the post of Secondary Grade Teacher as per qualified certificate issued by the first respondent on 12.12.2012.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.K.Bhuvaneshwari
Government Advocate

O R D E R

The writ petitioner has come forward with this Writ Petition to direct the respondents to appoint her in the post of Secondary Grade Teacher, as per the qualified certificate issued by the first respondent on 12.12.2012.

2.The learned counsel for the writ petitioner submitted that the petitioner possessed educational qualification of Degree with Diploma in teaching; that she appeared in the Tamil Nadu Teachers' Eligibility Test and secured 90 marks out of 150 marks and the results were also published. In this connection, eventhough the results were published on 12.12.2012 and the first respondent issued the Certificate to the writ petitioner, till date no appointment order has been issued to the writ petitioner for the post of Secondary Grade Teacher. Further, it

is stated that though the respondents are now taking steps to fill of 18,000 vacancies all over Tamil Nadu for the post of Secondary Grade Teachers, till date the writ petitioner has not received appointment order.

3.The appointment can never be claimed as a matter of right by the candidates, who have participated in the selection process. Even the selected candidate has no right to seek for an order of appointment. The process of selection can be challenged by the candidates, only in event of any irregularity (or) illegality (or) mal-practices (or) corrupt activities in the process of selection. Even in such cases, the allegations regarding the irregularity (or) illegality (or) mal-practices (or) corrupt activities, have to be substantiated with sufficient materials to prove the same. In the absence of any such irregularities, a mere participation or selection will not confer any legal right to the writ petitioner to file a writ petition seeking for issuance of an order of appointment. The conduct of recruitment is the prerogative of the employer and the process of selection can be challenged only on limited grounds. The candidates who submitted their Applications or participated in the selection process, cannot have any right for stopping or cancellation of the selection process. Only in the event of issuing any irregular appointment order for the persons securing less marks than that of the eligible candidate, then only the right of the said candidate can be considered.

4.In the case on hand, the affidavit filed in support of the writ petitioner is silent with regard to those allegations. The writ petitioner claims that she secured 90/150 marks and therefore, she should be appointed. Due to subsequent developments in the change of method in the recruitment process, the earlier persons selected were not appointed by the respondents.

5.In this view of the matter, the writ petitioner cannot say that in view of her participation in the earlier selection process, she is entitled for appointment. Such a claim is contrary to the established principles in the matter of selection and recruitment and therefore, the grounds raised in this Writ Petition deserve no further consideration.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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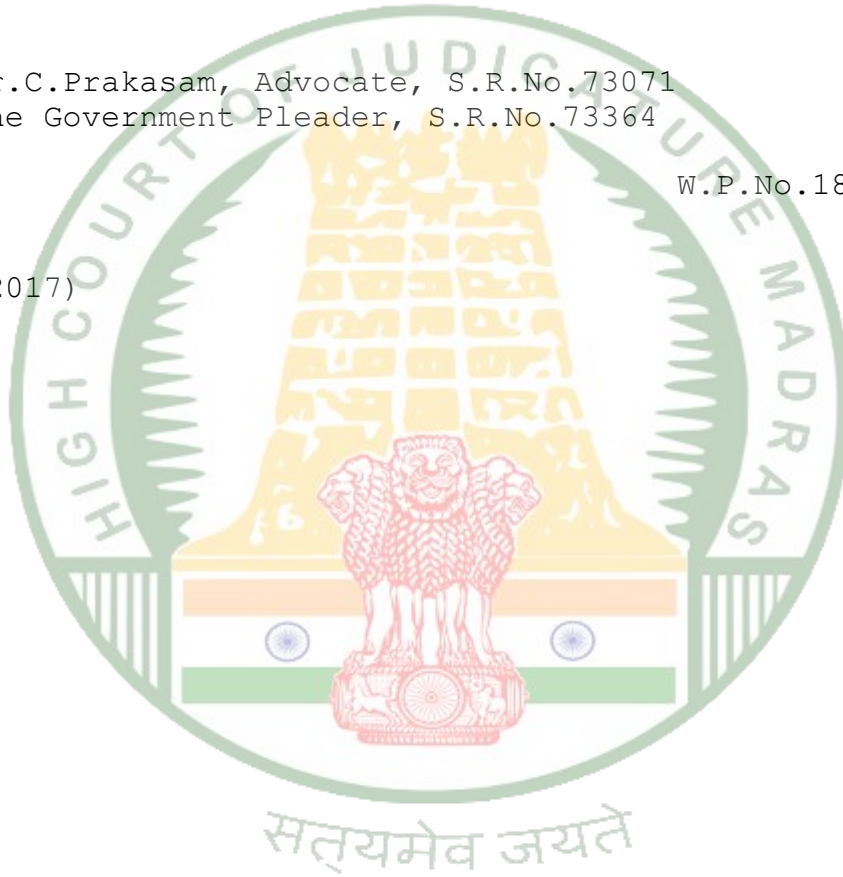
To

1. The Chairman
Teachers Recruitment Board
College Road, DPI Compound
Numgambakkam, Chennai 6.
2. The Director of School Education
College Road, DPI Compound
Numgambakkam, Chennai 6.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.73071
+1cc to the Government Pleader, S.R.No.73364

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SKV(CO)
CA(07/11/2017)



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