

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.13371 of 2013

and

M.P.No.1 of 2013

S.Padmavathi ... Petitioner
- Vs -

1. The Director of School Education,
College Road,
Chennai-600 006.

2. The Chairman,
Teachers Recruitment Board,
Chennai. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents, particularly the second respondent to select and appoint the petitioner to the post of P.G. Assistant (Tamil) on the basis of the experience certificate dated 17.04.2013 produced by her with the petitioner's representation dated 25.04.2013 within a time to be stipulated by this Court.

For Petitioner : Mr.P.Ganesan
for M/s.S.Vijayan

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

The petitioner has filed the present writ petition praying to issue a Writ of Mandamus, directing the respondents, particularly the second respondent to select and appoint the petitioner to the post of P.G. Assistant (Tamil) on the basis of the experience certificate dated 17.04.2013 produced by her with the petitioner's representation dated 25.04.2013 within a time to be stipulated by this Court.

2. According to the petitioner, the written examination was conducted on 27.05.2012 and the petitioner secured 106 marks.

Thereafter, in the light of the orders passed by this Court, a revised result was published by the respondent-Board, in which, the petitioner secured 109 marks. The petitioner was called for certificate verification on 23.10.2012 and she also attended the same. Subsequently, the petitioner was called upon for another certificate verification on 30.10.2012, during which, she was asked to produce the experience certificate. But, however, the petitioner was not able to produce the stipulated experience certificate since it was delayed by the employer of the petitioner. Therefore, the respondent-Board has not awarded two marks for the criteria of teaching experience to the petitioner. After receipt of the experience certificate from the employer on 17.04.2013, the petitioner sent a representation to the respondents on 25.04.2013 by Registered Post with Acknowledgment Due. But, there was no response from the respondent-Board. Therefore, the petitioner has filed the present writ petition for the above said prayer.

3. The learned Government Advocate has submitted that the petitioner was directed to appear for the counseling on 23.10.2012 and thereafter, she was called for certificate verification on 30.10.2012. At the time of certificate verification, she was not awarded three marks towards weightage for the period of wait after registration in the Employment Exchange. Moreover, she has not produced the Teaching Experience Certificate, at the time of certificate verification. Hence, she is not entitled to weightage marks for the same. The total marks secured by her is 109. The cut off mark of the last candidate provisionally selected in General Turn, General Women Backward Class and Backward Class Women is 110 marks. Since the petitioner has secured 109 marks, she was not selected for the post of Post Graduate Assistant (Tamil).

4. According to the respondent, there is no vacancy as on today. The entire selection has been over. Therefore, the petitioner cannot be considered for the above said post and thereby, this writ petition is liable to be rejected.

5. Heard Mr.P.Ganesan learned counsel appearing on behalf of M/s.S.Vijayan, for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate for the respondents.

6. In view of the submissions made by the parties concerned, it is quite clear that the writ petitioner has appeared for certificate verification on 23.10.2012 and again the respondent-Board called for the petitioner for certificate verification on 30.10.2012. At the time of certificate verification, admittedly, the petitioner was not in a position to submit her Experience Certificate before the respondent-Board. Further, it is also read from the records that the petitioner has appeared for

certificate verification on 23.10.2012 and 30.10.2012, but, she has not taken any steps to approach her employer for getting the Experience Certificate. There are no records to show that the petitioner had approached the employer to get the experience certificate within the aforesaid time. The case of the petitioner is that she has obtained the Experience Certificate on 17.04.2013. Thereafter only she has made a representation before the respondent-Board, requesting to issue the order of appointment.

7. In view of the above facts, I am not accepting the contentions of the petitioner because the petitioner has not shown any bona-fide records to show that she has approached the authority, namely, the employer to obtain the Experience Certificate before the date of certificate verification. In the absence of any such records, the contentions of the petitioner cannot be accepted.

8. At this stage, this Court is relying the order passed by this Court in W.P.No.5499 of 2014 and M.P.Nos.1 and 2 of 2014 dated 03.04.2014, wherein, at paragraph Nos.4, 6 and 7 it is observed as follows:-

''4. From the above proforma, it is clear that for teaching experience, the petitioner was awarded zero mark. The petitioner had also signed immediately thereafter, thereby, accepting that he is not entitled for any marks for teaching experience. Therefore, in my considered opinion, the petitioner is bound by his own declaration, but it does not mean that in future the petitioner will not be entitled for any marks for teaching experience. If the petitioner produces the certificates in future, in respect of any fresh recruitment process, the same has to be considered and marks should be awarded for his teaching experiences. So far as the present recruitment process is concerned, I only say that the petitioner, though has got previous experiences, which is found from the records produced before this Court, he cannot be awarded three marks in view of the declaration made by him in the proforma.

6. Today, the learned Special Government Pleader has produced a letter from the Member Secretary, Teachers Recruitment Board dated 02.04.2014, wherein, he has stated that all the vacancies have been filled up as early as on 18.02.2014 itself and there is only one vacancy available which is reserved for SC communal turn. Therefore, as of now, there is no vacancy at all.

7. In view of the above, no relief could be granted to the petitioner at this stage. Hence, the writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.''

9. In the light of the above mentioned order passed by this Court, this Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Director of School Education,
College Road,
Chennai-600 006.

2. The Chairman,
Teachers Recruitment Board,
Chennai.

+1cc to M/S.P.Ganesan, Advocate Sr.3811
+1cc to the Government Pleader Sr.4096

W.P.No.13371 of 2013
and
M.P.No.1 of 2013

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srg 8/3/2017

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