

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.33456 of 2012
and
M.P.Nos.2 and 3 of 2012

P.Sugunadevi

... Petitioner

- Vs -

1. The Chairman,
Teachers Recruitment Board,
Chennai-600 006.

2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3. The Director,
Department of Government Examinations,
DPI Campus, College Road,
Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent dated 05.12.2012, for non selection of the petitioner for the post of Secondary Grade Teacher pursuant to the examination of Tamil Nadu Teacher Eligibility Test - Supplementary 2012 (Secondary Grade Teachers) held on 14.10.2012, to quash the same and consequently direct the first respondent to appoint the petitioner for the post of Secondary Grade Teacher, pursuant to the examination of Tamil Nadu Teacher Eligibility Test-Supplementary 2012 (Secondary Grade Teachers).

For Petitioner : Mr.C.Prabakaran

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

The petitioner has applied for the recruitment to the post of Secondary Grade Teacher to the Teachers Recruitment Board. Pursuant to the communication for the recruitment to the post of Secondary Grade Teachers, the petitioner's application was considered and the petitioner has received the communication on 07.09.2012 and she was directed to appear before the Board, on 20.09.2012 with available copies of documents. Based on the said communication dated 20.09.2012, the petitioner appeared before the Board and submitted the available documents.

2. At the time of counseling, the petitioner brought to the notice of the Board that non availability of original certificates is due to fire accident, which had happened in the year 2011, the petitioner has applied for duplicate certificates. In the meantime, the 1st respondent had conducted the Tamil Nadu Teachers Recruitment Test supplementary Examination for 2012 D.Ted., and B.Ed., candidates. The petitioner appeared for both the examination paper 1 and paper 2, which was conducted on 14.10.2012, wherein, the pass mark prescribed by the 1st respondent was 90 for both papers. The petitioner secured 97 marks in paper-1, 83 marks in paper-2. Hence, the petitioner got passed in paper-1, D.Ted., course for Secondary Grade Teacher. Therefore, the 1st respondent has asked the petitioner to attend the certificate verification on 08.11.2012. Accordingly, the petitioner has personally appeared before the 1st respondent on 08.11.2012 and produced the available xerox copies of the certificates and also informed that the 3rd respondent has to issue duplicate certificates and the petitioner under took to produce the same before the 1st respondent as soon as he received from the 3rd respondent. But, the 1st respondent has not selected the petitioner and hence, the petitioner has filed this present writ petition before this Court for the aforesaid prayer challenging the order dated 05.12.2012.

3. The learned counsel for the respondents submits that at the time of certificate verification, the petitioner has not produced the original certificates. Therefore, the petitioner cannot be considered for the selection to the post of Secondary Grade Teacher. However, the petitioner has got the duplicate certified copies of the original document on 14.12.2012. At the time of verification, the petitioner has not produced the copies of original documents and hence, the petitioner was not considered by the Board.

4. The learned counsel for the petitioner submitted that the writ petitioner has made a complaint to the Police on 12.03.2011

stating that the petitioner's certificates were burnt in the fire accident, therefore, the petitioner had applied for issuance of duplicate certificates of original documents on 29.08.2011 and copy of the challan has been produced in the typed set of papers. The said duplicate copies were received only on 14.12.2012. Therefore, the petitioner was not in a position to produce the original certificates at the time of certificate verification conducted by the respondent/Board. The duplicate copies of the original documents are now available with the petitioner.

5. In the light of the said fact, this Court is of the view that prima-facie case is made out by the petitioner and therefore, the impugned order passed by the 1st respondent, is liable to be set aside. Accordingly, the order passed by the 1st respondent is set aside.

6. The writ petition is allowed with the following directions:-

i) The writ petitioner is directed to produce the duplicate certificates issued by the 3rd respondent, before the 1st respondent/Board.

ii) If the Board satisfied that the certificates issued by the 3rd respondent, are genuine and if otherwise eligible, the 1st respondent Board is directed to consider the petitioner for selection to the post of Secondary Grade Teacher as expeditiously as possible in the future vacancies. Verification of documents shall be conducted by the 1st respondent/Board within a period of six weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ssn

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To

1. The Chairman,
Teachers Recruitment Board,
Chennai-600 006.

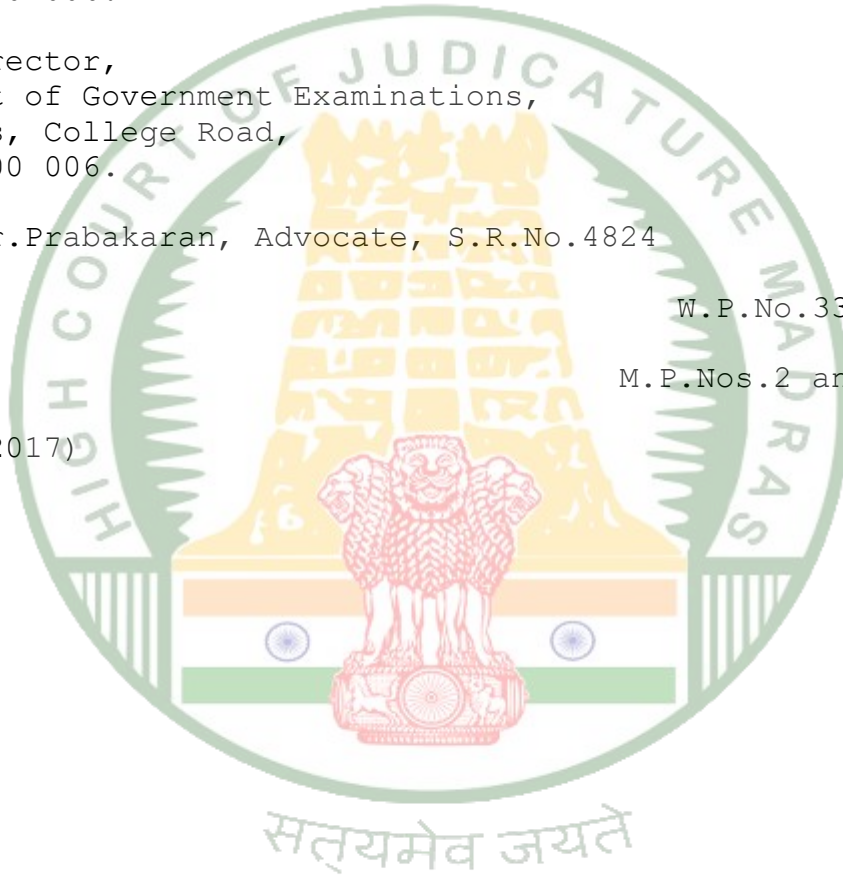
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3. The Director,
Department of Government Examinations,
DPI Campus, College Road,
Chennai-600 006.

+1cc to Mr.Prabakaran, Advocate, S.R.No.4824

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KJI (CO)
RS (21/04/2017)



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