

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2017

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.34295 of 2012 &
M.P.No. 2 of 2012

K.Sripasupathirajan,
S/o.M.Kandasamy

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary to the Government,
School Educational Department,
Fort St. George,
Chennai-600 009.

2.The Teachers Recruitment Board,
Rep. by its Chairman,
E.V.K.Sampath Maligai,
College Road,
Chennai-600 006.

3.The Director of Elementary Education,
D.P.I.Campus, College Road,
Chennai-600 006.

4.The District Elementary Educational Officer,
Salem District.

... Respondents

Prayer .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned communication of the second respondent in proceedings No.Nil, dated 'Nil' in the matter of the non-selection of the petitioner and quash the same and direct the respondents to select and appoint the petitioner as Secondary Grade Assistant Teacher based on the petitioner's seniority and pass results in the Tamil Nadu Teachers Eligibility Test-Supplementary 2012.

For Petitioner : Mr.A.S.Kaizer

For Respondents : Mrs.P.Rajalakshmi,
1 to 3 Government Advocate

O R D E R

The writ petition has been filed for issuance of writ of Certiorarified Mandamus calling for the records relating to the impugned communication of the second respondent in proceedings No.Nil, dated 'Nil' in the matter of the non-selection of the petitioner and quash the same and direct the respondents to select and appoint the petitioner as Secondary Grade Assistant Teacher based on his seniority and pass results in the Tamil Nadu Teachers Eligibility Test-Supplementary 2012.

2.Learned counsel for the petitioner would submit that the petitioner has completed S.S.L.C. in April 1994 and H.S.C. in March, 1996 and thereafter, he joined and completed the course of Diploma in Teacher Education in August, 2008. The petitioner has appeared in Teacher Eligibility Test on 12.07.2012 and the Teacher Eligibility Supplementary Examination on 14.10.2012 and the results of the above examinations were published on 03.11.2012 and he passed the said examination by securing 90 marks. According to the petitioner, he did not produce the original S.S.L.C. mark sheet at the time of certificate verification on 09.11.2012. And hence, he was not considered for selection. Challenging the non-selection to the above said post, the petitioner has filed the present writ petition.

3.Learned Government Advocate appearing for the respondent/Board would submit that it is true that the petitioner was not selected on the ground that he has not furnished the original S.S.L.C. mark sheet at the time of certificate verification. She further submitted that the recruitment of Secondary Grade Assistants for 2012 was made by considering the eligibility marks in Teachers Eligibility Test and State Seniority in Employment Exchange as per G.O.Ms.No.252, School Education Department dated 05.10.2012. On the basis of the representations from the absented candidates, the first respondent/Board decided to call those candidates for subsequent Certificate Verification as they were not able to produce the documents at the time of certificate verificaiton. Therefore, the Board called all candidates who secured eligible marks in Teachers Eligibility Test, 2012, by affording one more opportunity for certificate verification as the qualified candidates in the Teachers Eligibility Test are eligible for selection upto seven years and the petitioner was one among the candidates, who were called for certificate verification on 06.09.2013.

4.It is further submitted that the petitioner belongs to Backward Class (G) turn and he has secured 62.31 marks. However,

the last candidate selected under Backward Class (G) secured 75.22 marks and Most Backward Class (W) secured 75.21 marks. Therefore, since the petitioner's weightage marks is not within the cut off marks, he was not considered for selection.

5. In the light of the submissions made by the learned Government Advocate for the respondent/Board that even though the petitioner was called for certificate verification held on 09.11.2012, he was not considered for selection on the ground of non production of original SSLC mark sheet. The subsequent certificate verification was held on 06.09.2013 and in the subsequent certificate verification, the petitioner was not selected. The petitioner would contend that based on the marks secured in Teachers Eligibility Test which was conducted on 14.10.2012, he seeks appointment for the above said post. The contention of the petitioner is barred by the principle of estoppel. The petitioner cannot take a different stand asking to select him on the basis of the marks secured in the first Test wherein the result was published on 03.11.2012. In the subsequent certificate verification, the petitioner's weightage marks is not within the cut off marks. Therefore, the contention of the petitioner cannot be accepted.

6. In view of the above, the Writ Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Chairman,
The Teachers Recruitment Board,
E.V.K.Sampath Maligai,
College Road,
Chennai-600 006.

3.The Director of Elementary Education,
D.P.I.Campus, College Road,
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