

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.02.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.34790 of 2012
and M.P.No.1 of 2012

C.Vijayalakshmi

.. Petitioner

Vs

1. State of Tamil Nadu, rep by
Director of School Education,
(Higher Secondary)
College Road, Nungambakkam,
Chennai 600 006

2. Teacher's Recruitment Board
rep. By its Chairman
4th floor, E.V.K.Sampath Maligai
DPI Compound, College Road,
Nungambakkam, Chennai 600 006.

3. A. James Rosario

4. R.Chitra

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration or any other appropriate writ, order or direction in the nature of a writ, declaring that the selection process of the second respondent herein relating to direct recruitment for the post of Post Graduate Assistant for Government Higher Secondary Schools 2011-2012 as null and void in so far as it relates to subject code 12PG01 TAMIL is concerned further direct the second respondent herein to issue appointment order to the petitioner for the post of Post Graduate Assistant (Tamil).

For Petitioner : Mr.S.Shyamkumar

For Respondents : Mr.S.Navaneetham, AGP for R1 and R2
No appearance for R3 & R4

ORDER

The prayer in the writ petition is to issue a writ of declaration or any other appropriate writ, order or direction in the nature of a writ, declaring that the Selection Process of the second respondent herein relating to direct recruitment for the post of Post Graduate Assistant for Government Higher Secondary Schools 2011-2012 as null and void in so far as it relates to subject code 12PG01 TAMIL is concerned, further direct the second respondent herein to issue appointment order to the petitioner for the post of Post Graduate Assistant (Tamil).

2. The learned counsel appearing for the petitioner submitted that the petitioner applied for the post of Post Graduate Assistant (Tamil) and was directed to appear for written test on 27.05.2012 which was conducted by the second respondent and thereafter, the petitioner secured 104 marks out of 150 and was called for certificate verification before the Committee on 30.10.2012 and the same was verified. As per the recruitment prospectus of the second respondent weightage marks shall be awarded to the candidates after certificate verification and the scheme of weightage marks is as follows:-

S. No		Number of Years	Marks
1	Period of wait after registration in the Professional & Executive Employment Office, Chennai	1 to 3 years less than 3 years 3 to 5 years above 3 years and less than 5 years 5 to 10 years 10 years & above	1 2 3 4
2	Experience of teaching in 11 & 12 Std. In any recognised school	1 to 2 years 2 to 5 years 5 years & above	1 2 3

3. As per the prospectus, the petitioner is entitled for 4 weightage marks for the period of wait after registration in the professional and Executive Employment Office, having more than 10 years of employment waiting period and the petitioner is also entitled for 3 marks towards 11 years of teaching experience in 11th Std and 12th Std in Prince Matriculation Higher Secondary School, Madipakkam, Chennai 600 091, which is a recognised

school and therefore she is entitled for 7 weightage marks as per employment waiting and teaching experience put together. The petitioner has scored 104 marks in the written test and she is entitled for 111 marks, after adding 7 marks for weightage. The petitioner was not selected by the second respondent who published the individual result in respect of selection to the post of Post Graduate Assistant on 11.12.2012 and petitioner came to know that she was awarded only 108 marks in total. The second respondent has awarded only 4 weightage marks to the petitioner for the reasons best known to them. Hence the writ petition is filed. This writ petition is filed for declaration declaring the recruitment for the post of Post Graduate Assistant for Government Higher Secondary Schools for the year 2011-2012 as null and void in so far as it relates to subject code 12PG01 TAMIL is concerned and for direction, directing the second respondent herein to issue appointment order to the petitioner for the post of Post Graduate Assistant (Tamil).

4. The learned Additional Government Pleader for the first and second respondent submitted that on perusal of the certificates furnished by the petitioner, it was found that the Teaching Experience certificate furnished by the petitioner does not bear the counter signature of the Inspecting Officer. Therefore, the weightage marks for 'Teaching Experience' was not awarded to the petitioner and the petitioner has secured 104 marks in the written test and the Board awarded 4 marks for weightage in Employment Exchange. Total marks awarded to the petitioner after adding weightage marks is only 108. The petitioner belongs to B.C. and cut off marks of last candidates selected as follows:-

Category	Cut off marks
G.T (G)	115
G.T (W)	114
BC (G)	110
BC (W)	110

As the petitioner has not secured eligible cut off marks, she was not provisionally selected. The Board conducted the recruitment of Post Graduate Assistant (Tamil) in a fair and transparent manner. There is no irregularity in awarding weightage marks after certificate verification and there is no violation of Articles 14 & 16 of the Constitution as averred by the petitioner.

5. In view of above said fact, this Court directed the second respondent to get a report from the Inspector of Matriculation School and the same was produced before this Court by the learned counsel for the respondent, wherein it has been

stated that the documents were verified from the school authority and they accepted that the experience certificate produced by the petitioner is bonafide and genuine. At this stage, the learned counsel for the petitioner submitted that the claim of the writ petitioner can be considered on the basis of the weightage mark for the teaching experience. In view of the said report, the writ petitioner is directed to appear before the Teachers Recruitment Board for certificate verification and to award weightage mark for teaching experience. Thereafter, the respondent/ board is directed to provisionally select the petitioner and forward the same to the concerned department in the future vacancy. The above process shall be completed by the respondent Board within a period of 12 weeks from the date of receipt of the copy of this order.

7. In view of the facts and the circumstances, the above writ petition is allowed. Connected miscellaneous petition is also closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

1.The Director of School Education,
State of Tamil Nadu,
(Higher Secondary)
College Road, Nungambakkam, Chennai 600 006

2.The Chairman,
Teacher's Recruitment Board
4th floor, E.V.K.Sampath Maligai
DPI Compound, College Road, Nungambakkam,
Chennai 600 006.

+1cc to Government Pleader, Sr. 10256

+1cc to M/S. Venkataswamy Babu, Advocate Sr. 10133

W.P. No.34790 of 2012
and M.P.No.1 of 2012

MSM(CO)
VR(24/03/2017)