

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2017

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.35179 of 2012

&

M.P.No.2 of 2012

D.Sivaranjani
D/o.S.Dhanapal

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. By its Secretary,
Education Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
DPI Compound,
College Road,
Chennai-600 006.
- 3.The Teachers Recruitment Board,
Rep. By its Chairman,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, 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 on the file of the third respondent in connection with the petitioner's non-selection list dated 12.12.2012 to the post of Graduate Assistant (English) and quash the same and also direct the respondents to select the petitioner to the post of Post Graduate Assistant (English) on the basis of the marks scored by her and verification with effect from the date of appointment given to all other selected candidates with all monetary and service benefits.

For Petitioner : Mr.S.Ambigapathi

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

The writ petition has been filed seeking for issuance of writ of Certiorarified Mandamus calling for the records of the third respondent in connection with the petitioner's non-selection list dated 12.12.2012 to the post of Graduate Assistant (English) and quash the same and also direct the respondents to select the petitioner to the post of Post Graduate Assistant (English) on the basis of the marks scored by her and verification with effect from the date of appointment given to all other selected candidates with all monetary and service benefits.

2.Learned counsel for the petitioner would submit that the petitioner had applied for appointment to the post of Post Graduate Assistant/Physical Education Director Grade-I, in response to the Notification issued by the third respondent/Board with the qualification B.A., English Literature passed in 2005 (3 years course), M.A., English Literature in 2007 (2 years course), B.Ed., in April, 2008 (1 year course) and M.Ed., in May, 2010. He would further submit that the petitioner appeared for the written examination on 27.05.2012 and in that examination, the petitioner had scored 94 marks. The petitioner belongs to Most Backward Class. The said examination was cancelled and she was asked to apply for the written examination. Accordingly, she applied for the examination and scored 95 marks out of 100 and her certificates were verified. Even though the petitioner has secured 95 marks which is eligible cut off marks, she was not selected. In view of non-selection of the petitioner, the petitioner has also filed the miscellaneous petition. At the time of entertaining the writ petition, this Court has granted interim order dated 27.12.2012, stating that any appointment made in pursuant to the notification is subject to the result of the writ petition.

3.Learned Government Advocate for the respondent would submit that the writ petitioner has joined M.A., 1st year (English Literature) in the Distance Education during 2006-2007 and she has completed M.A., Second Year (English Literature) in the Distance Education during 2008-2009. Therefore, the petitioner persued two degrees viz., M.A., B.Ed., simultaneously in the same year. Therefore, the petitioner has not been selected for the said Post Graduate Assistant (English).

4.According to the petitioner, as per the Certificate issued by the Directorate of Distance Education, Annamalai University, which is enclosed in the typed set of papers, the petitioner had joined M.A.English Literature Course during the year 2006-07 and after discontinuing the same, again got re-admission during the year 2008-2009. Therefore, as per the above said certificate, it is made clear that the petitioner has discontinued her M.A. Course and she joined in B.Ed., Course during the year 2007-2008 and thereafter, she has been re-admitted in M.A.English Literature Course in the year 2008-2009. In such circumstance, the judgment of

the Hon'ble Division Bench of this Court in the case of S.Jagadeeswari vs. The Chairman in W.A.No.845 of 2013, dated 07.01.2014, wherein this Court considered the validity of G.O.Ms.No.361, dated 31.12.1999 and confirmed the order made in W.P.No.30299 of 2012, wherein, it was held that the stand taken by the respondent not to accept the candidature of persons, who had undergone two different degrees simultaneously, will not apply to the facts of the case when the petitioner has not undergone two degrees simultaneously. Hence, in the light of the said certificate, I am inclined to pass the following order:

i)The third respondent/Board is directed to verify the genuineness of the Transfer Certificate, if necessary for considering the selection of the petitioner, if she is otherwise eligible to the post of Post Graduate Assistant (English) in any one of the existing vacancies.

(ii) In the event of petitioner being provisionally selected by third respondent Board, the said selection list shall be communicated to the Directorate of School Education forthwith. On receipt of the provisional selection made by the Board, the User Department/the Directorate of School Education, is directed to accommodate the petitioner in any one of the existing vacancies for the post of Post Graduate Assistant (English). The said exercise will be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above terms, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kal

To

1.State of Tamil Nadu,
Rep. By its Secretary,
Education Department,
Fort St. George,
Chennai-600 009.

2.The Director of School Education,
DPT Compound,
College Road,
Chennai-600 006.

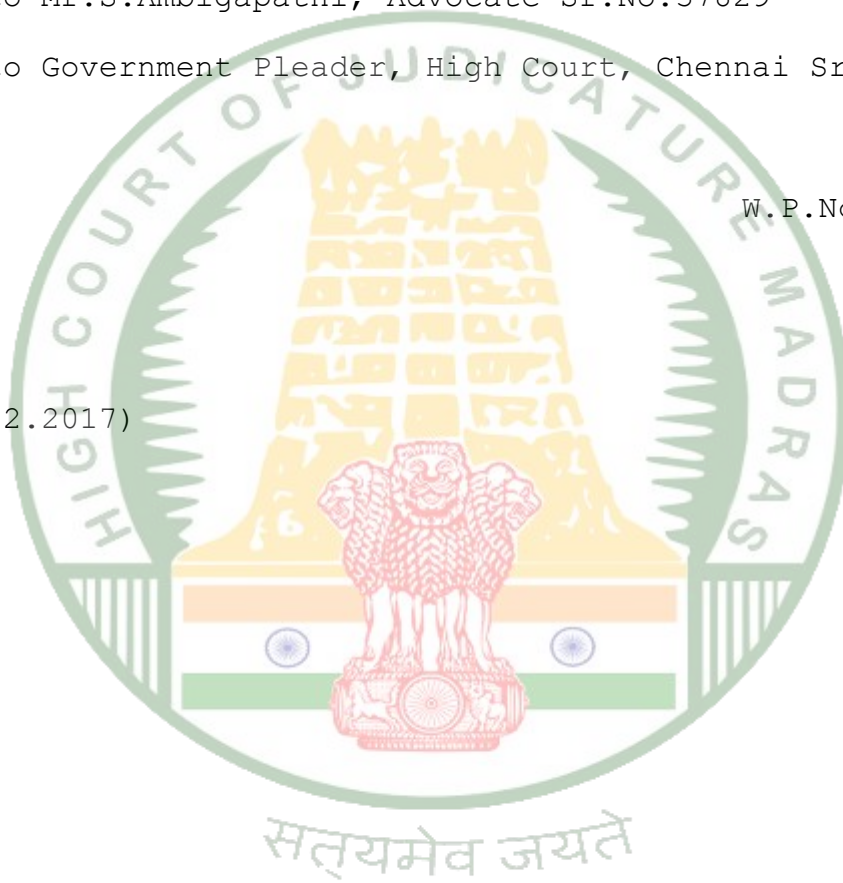
3.The Teachers Recruitment Board,
Rep. by its Chairman,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.

+1 CC to Mr.S.Ambigapathi, Advocate Sr.No.37829

+1 CC to Government Pleader, High Court, Chennai Sr.No.6990

W.P.No.35179 of 2012 &
M.P.No.2 of 2012

SUI (CO)
KP (27.02.2017)



WEB COPY