

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.18789 of 2012
and M.P.No.1 of 2012

D.Manibharathi

.. Petitioner

vs.

1. The Government of Tamil Nadu,
Rep by its Secretary,
Higher Education Department,
Fort St.George, Chennai-600 009.

2. The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Maligai,
4th Floor, DPI Complex,
College Road, Chennai-600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider the name of the petitioner for the post of Assistant Professors in Tamil Nadu Educational Service for Government Engineering Colleges after re-evaluating the answer paper of the petitioner having his hall ticket Registration No.12EGO4110257 on the basis of his representation dated 14.07.2012 by adding 4 additional marks along with his already scored mark of 110.

For Petitioner : Mr.S.Krishnasamy

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

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O R D E R

The petitioner is a B.E. Graduate in Electronics and Communication Engineering and thereafter he did his Post Graduation M.E. (Applied Electronics) in Coimbatore Institute of Technology, Coimbatore and passed with 8.1 CGPA in the year 2009-2011. The petitioner would further aver that the second respondent invited applications from eligible candidates for

direct recruitment to the post of Assistant Professors for Tamil Nadu Educational Service for Government Engineering Colleges under the Directorate of Technical Education, Chennai and out of the tentative estimated vacancies of 154, for the post of Electronics and Communication Engineering the total post estimated is 25 and out of the said 25 posts, 7 posts were allocated for General Category, out of which 5 for General Turn and 2 for Women and 7 posts were allocated for Backward Category (BC), out of which 5 posts for General Turn and 2 for Women and 1 post reserved for BC Muslim Women. The petitioner participated in the selection process and found that some errors had crept in and key answers were submitted for correction and the second respondent had published the tentative list of candidates selected for Certificate Verification on 10.07.2012 and the key answers were also furnished and once again the petitioner has submitted a representation pointing out certain mistakes in the key answers and since it has not been given disposal in accordance with law, filed the present writ petition.

2. The matter was listed for admission on 19.07.2012 and this Court, while ordering notice to the respondents, directed to the respondent by means of ad-interim direction to keep one post of Assistant Professor in Tamil Nadu Educational Service (Electronics and Communication Engineering) as vacant.

3. The second respondent has filed a counter affidavit reputing the averments made in the affidavit filed in support of this writ petition and would contend that revised key was finalized on the basis of the opinion of the experts in the subject and thereafter, the answer scripts were evaluated and provisional list was published and since the preparation of question papers as well as key answers falls within the ambit of the expert body, this Court may not interfere over the same and therefore, prays for dismissal of this writ petition.

4. The learned counsel appearing for the petitioner would submit that the Member Secretary, Teachers Recruitment Board, Chennai-6 had sent a communication in Rc.No.4714/A6/2012 dated 18.06.2014 addressed to the learned Special Government Pleader, High Court, Madras informing him that the marks obtained by the petitioner found to be within the zone of consideration for selection and treated as selected for the post of Assistant Professor in Government Engineering Colleges in the subject Electronics and Communication Engineering under communal turn Backward Class (General) and in the light of W.P.No.19511 of 2012 filed by Thiru.D.Joseph Jeyakumar, praying for a direction to the respondent to reserve 1% of the total vacancies for the

hearing impaired candidates in the direct recruitment of Assistant Professor in Government Engineering Colleges, which has also been entertained and an ad-interim direction was given on 24.07.2012 to keep one post of Assistant Professor in Electronics and Communication Engineering as vacant, the provisional list of selection is kept in abeyance. The learned counsel appearing for the petitioner would further submit that since W.P.No.19511 of 2012 filed by Thiru.D.Joseph Jeyakumar was dismissed as withdrawn on 20.04.2017, there cannot be any impediment to give appointment as per the list of selected candidates for the post of Assistant Professor in the subject of Electronics and Communication Engineering and prays for appropriate orders.

5. Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would contend that in the light of the ad-interim direction granted by this Court in M.P.No.2 of 2012 in W.P.No.19511 of 2012 filed by Thiru.D.Joseph Jeyakumar, the list of selected candidates has been kept in abeyance.

6. This Court has considered the rival submissions and also perused the entire materials placed before it.

7. A perusal of the communication sent by the Member Secretary, Teachers Recruitment Board, Chennai-6 dated 18.06.2014 in R.C.No.4714/A6/2012 addressed to the learned Special Government Pleader, High Court, Chennai, which is also taken on file, would disclose that the marks obtained by the petitioner falls within the zone of consideration for selection to the post of Assistant Professor in the subject of Electronics and Communication Engineering under the Backward Category and on account of the subsistence of the ad-interim direction granted by this Court in W.P.No.19511 of 2012 filed by Thiru.D.Joseph Jeyakumar, the provisional selection list has been kept in abeyance. Admittedly, W.P.No.19511 of 2012 has been dismissed as withdrawn by this Court on 20.04.2017 and in the light of the stand taken by the Member Secretary, Teachers Recruitment Board, Chennai-6, in his communication dated 18.06.2014 addressed to the learned Special Government Pleader, there may not be any impediment on the part of the respondents to give effect to the selection list in respect of the post of Assistant Professor in the subject of Electronics and Communication Engineering.

8. In the result, this Writ Petition is disposed of with a direction to the respondents to take appropriate steps and issue order of appointment to the petitioner for the post of Assistant Professor in the subject of Electronics and Communication Engineering in the Tamil Nadu Educational Service for Government Engineering Colleges, subject to the petitioner being otherwise found eligible, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision

taken, to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
The Government of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai-600 009.

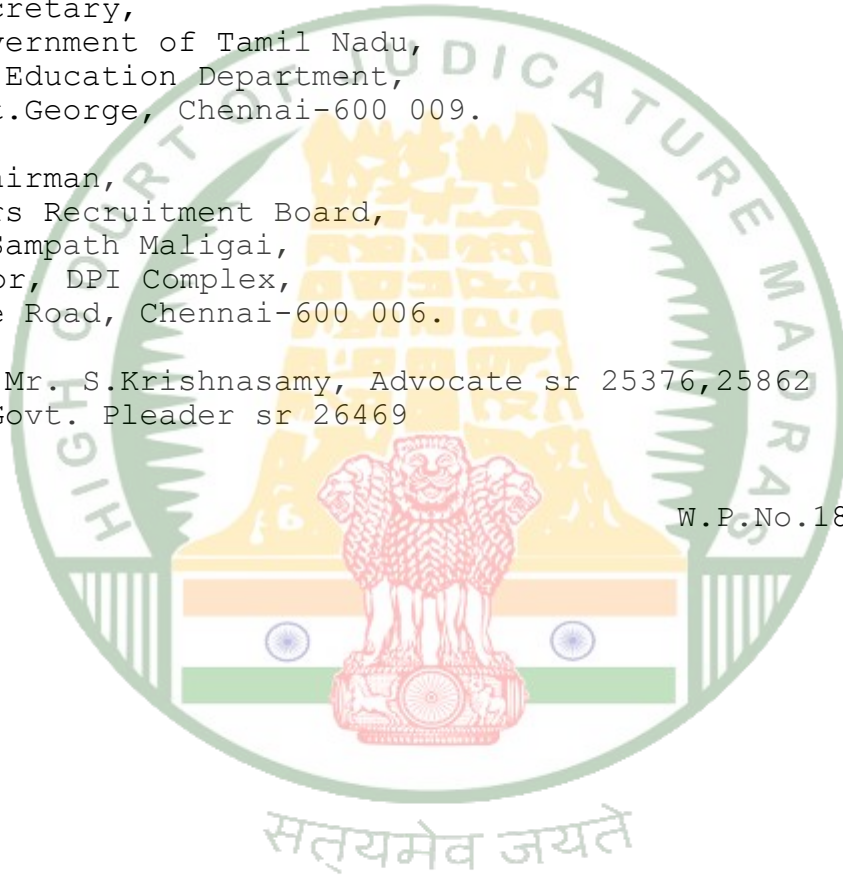
2. The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Maligai,
4th Floor, DPI Complex,
College Road, Chennai-600 006.

+3 Ccs to Mr. S.Krishnasamy, Advocate sr 25376,25862

+1 CC to Govt. Pleader sr 26469

W.P.No.18789 of 2012

SR(CO)
sp/2/5



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