

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

W.P.No.28081 of 2004

S.M.Ganesa

.. Petitioner

Vs.

1. Teachers Recruitment Board,
rep. By its Chairman,
4th Floor, EVK Sampath Maligai,
DPI Campus, Chennai - 6.

2. The Director of School Education,
Chennai - 6.

... Respondents

Prayer :

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to select and appoint the petitioner as Junior Post Graduate Assistant Political Science on merits and in accordance with law in the Competitive examination conducted by the first respondent pursuant to the prospectus issued by the first respondent for direct recruitment of Junior Post Graduate Assistants/Junior Physical Education Directors in Government Higher Secondary Schools in the Department of School Education/other Departments for the year 2003-2004.

For Petitioner : Mr.S.Selvathirumurugan

For Respondents : Mrs.M.E.Rani Selvam
Addl. Government Pleader

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ORDER

The petitioner has filed this writ petition seeking issuance of a writ of Mandamus to direct the respondents to select and appoint the petitioner as Junior Post Graduate Assistant Political Science on merits and in accordance with law in the Competitive examination conducted by the first respondent pursuant to the prospectus issued by the first respondent for direct recruitment of Junior Post Graduate Assistants/ Junior

Physical Education Directors in Government Higher Secondary Schools in the Department of School Education/other Departments for the year 2003-2004.

2. The petitioner passed Bachelor of Arts degree in the year 1983 and Master of Arts in Political Science in the year 1985. Thereafter, he passed B.Ed. in the year 1991. He registered his educational qualifications with the employment exchange and the said registration was renewed periodically and is in vogue.

3. Pursuant to the recruitment notification issued by the Government of Tamil Nadu, the petitioner applied for the post of Graduate Assistant Political Science. He partook in the written examination and secured 79 marks out of 150, without addition of any weightage marks. It is the plea of the petitioner that he stood as one of the toppers in the written examination.

4. It is stated that the petitioner participated in the certificate verification conducted on 18.06.2004. During verification, it was stated that since the petitioner did not renew his M.A. Certificate registration, his case would be considered separately considering his good score in the written examination. Thereafter, the petitioner renewed his M.A. Certificate registration on 01.07.2004 and reported the same to the first respondent. On enquiry, the first respondent informed that since the petitioner had not renewed his MA Degree qualification with the employment exchange before 30.09.2003, no decision is taken by them.

5. In such backdrop, the present writ petition is filed for the relief stated supra.

6. It is the contention of the learned counsel appearing on behalf of the petitioner that inasmuch the recruitment was direct and not through employment exchange, the denial of employment only on the ground that the registration of a qualification with the employment exchange was not renewed is misconceived.

7. It is further contended that registration with employment exchange carries weightage of marks for the period of wait, but even without adding such marks, the petitioner has secured good marks in the written examination to secure an appointment.

8. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents refuted the contentions

raised by the learned counsel for the petitioner and prayed for dismissal of the writ petition.

9. I heard Mr.S.Selvathirumurugan, learned counsel for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader for the respondents and perused the records.

10. At the outset, it is to be noted that this Court way back on 30.09.2004 directed the respondents to keep one seat vacant and the said order holds water even as on date by virtue of the order dated 12.03.2009 making absolute the earlier interim order.

11. The respondents have till date not filed any counter affidavit nor produced any document qua the selection process adopted by them.

12. There is no rebuttal to the averment of the petitioner that he secured 79 marks in the written examination and was one of the toppers. The prospectus issued by the respondent authorities shows that weightage of marks will be granted to candidates based on the employment exchange period of wait. It is the case of the petitioner that even without awarding of such weightage of marks, the petitioner based on the marks secured in the written examination is duly qualified for appointment. The said factum is also not disputed by the respondent authorities.

13. That apart, concededly, the recruitment was by direct recruitment and candidates were not sponsored through employment exchange. Even otherwise, the prospectus only states that their qualification should be registered with the employment exchange on or before 30.09.2003. In the instant case, the petitioner had registered his M.A. Qualification way back on 19.07.1985. The petitioner, therefore, had registered his qualification prior to 30.09.2003 and even thereafter, the same was renewed on 01.07.2004 to be valid and subsisting.

14. Moreover, the respondent authorities had till date not chosen to rebut any of the plea raised in the writ petition and continued to allow the post to be vacant all these years, which only demonstrates that they are not interested in pursuing the matter.

15. For the foregoing reasons, this writ petition is allowed and the respondents are directed to appoint the petitioner to the post of Junior Post Graduate Assistant Political Science,

which post was kept vacant. Such orders shall be passed within six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, Chennai - 6.

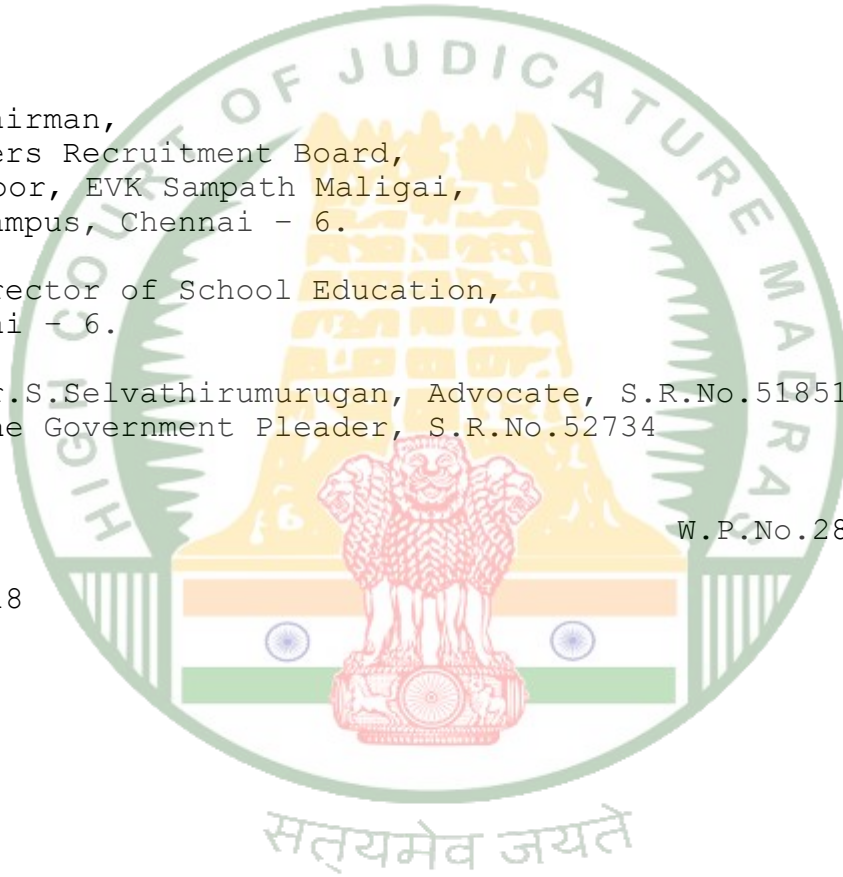
2. The Director of School Education,
Chennai - 6.

+lcc to Mr.S.Selvathirumurugan, Advocate, S.R.No.51851

+lcc to the Government Pleader, S.R.No.52734

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CS/13/07/18



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