



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A(MD)No.448 of 2014

and

WP(MD)Nos.9398 of 2012, 19100 and 20079 of 2014

and

M.P(MD)Nos.1 of 2014, 1 of 2012 & 1,2,2, 3 of 2014

W.A. (MD) No.448 of 2014

Teachers Recruitment Board,
Rep.by its Chairman,
EVK Sampath Maligai,
College Road, Chennai-06.

... Appellant/Respondent.

Vs.

1.P.Muthuvalan
2.M.Jeyaseelan
3.M.Ramamoorthy

... Respondents 2 &3/
Respondents 2 & 3

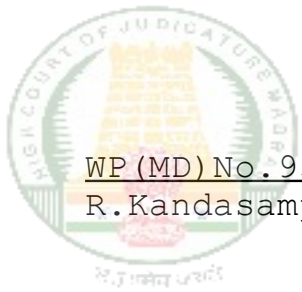
Prayer : This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 12.10.2012 in WP(MD)No.11663 of 2012.

Prayer in WP(MD). 11663/ 2012 :

Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned tentative provisional list of candidates selected for appointment for the recruitment of Special Teachers through Employment Registration State Seniority 2010-2011 and 2011-2012 dated Nil published in the Internet by the first Respondent and quash the same as illegal and consequently to consider the petitioner for appointment under LA (Land Acquisition) priority to the post of Special Teacher (Physical Education) within the time stipulated time.

For Appellant : Mr. T.S.Md.Mohideen, AGP

For Respondents : Mr.S.Rajasekar



WP (MD) No. 9398 of 2012 :

R.Kandasamy

... Petitioner

Vs.

1.The Teachers Recruitment Board,
Rep.by its Member Secretary,
K.V.K.Sambath Maligai,
College Road, Chennai-6.

2.The Assistant Director,
Professor and Executive Employment Branch Office,
K.Pudhur, Madurai - 625 007.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to provide 3 % reservation for the Physically Challenged candidates for appointment to the post of Physical Education Teacher strictly in terms of Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and consequently consider the petitioner for appointment to the post of Physical Education Teacher in pursuant to the Tentative List published in the internet for the post of Physical Education Teacher notified by the respondent in 2012 within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M.s.Ajmal Associates

For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader

WP (MD) No. 19100 of 2014 :

N.Rajesh Kanna

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Fort St.George, Secretariate,
Chennai - 600 006.

2.The Director of Elementary Education,
Chennai - 600 006.

3.The Chairman,
Teachers Recruitment Board,
College road, Chennai - 600 006.



4.The Commissioner,
Corporation of Chennai,
Chennai- 600 003.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the Teachers Recruitment Board to verify the certificates of the petitioners and appoint the petitioner as Physical Education Teacher, pursuant to the notification issued by the Teachers Recruitment Board dated 08.05.2013 and confer all the consequential benefits.

For Petitioner : Mr.V.Panneer Selvam for
C.S.Associates

For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader

WP(MD)No.20079 of 2014 :

- 1.S.Rajendran
- 2.P.Singaraj
- 3.E.Jeyabalan
- 4.V.Josephin Amali Rani
- 5.R.Babitha
- 6.R.Madhanagopal
- 7.P.Thangam
- 8.K.Nathan
- 9.S.M.Periya Annamalai
- 10.A.Thangadurai
- 11.S.Balamurugan

... Petitioners

Vs.

- 1.State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Fort St.George, Secretariate,
Chennai - 600 006.

- 2.The Director of School Education,
Chennai - 600 006.

- 3.The Director of Elementary Education,
Chennai - 600 006.

- 4.The Chairman,
Teachers Recruitment Board,
College road, Chennai - 600 006.

<https://hccourtsonline.org/>
5.The Corporation Commissioner,
Corporation of Chennai,
Chennai- 600 003.

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the Teachers Recruitment Board to verify the certificates of the petitioners and appoint them as Physical Education Teachers, pursuant to the notification issued by the Teachers Recruitment Board dated 08.05.2013 and confer all the consequential benefits.

For Petitioners : Mr.V.Panneer Selvam

For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

W.A.(MD) No.448 of 2014 is directed against the common order dated 12.10.2012 made in WP(MD)Nos.11663 of 2012 and 13235 of 2010.

2.The subject matter relates to recruitment of eligible candidates as Special Teachers by the Teachers Recruitment Board. The appellant herein, chose to call upon the employment exchange to sponsor eligible candidates. It did not invite any application from the open market. It is well settled that appointment of Government posts can be made only by inviting applications from all eligible candidates and that it cannot be confined to candidates sponsored by the employment exchange.

3.The learned Single Judge following a catena of decisions allowed the writ petitions and directed the appellant Board to fill up Special Teacher (Physical Education) posts by inviting applications from all eligible persons by publication in press in addition to the names sponsored by the employment exchange and thereafter select the candidates on merits.

4.No exception can be taken to the said order passed by the learned Single Judge. WA(MD)No.448 of 2014 is bereft of any merit. It stands dismissed. In view of the dismissal of W.A.(MD) No.448 of 2014, W.P.(MD) Nos.9398 of 2012, 19100 and 20079 of 2014 are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To,

1. Chairman, Teachers Recruitment Board,
EVK Sampath Maligai, College Road, Chennai-06.

2. The Assistant Director,
Professor and Executive Employment Branch Office,
K.Pudhur, Madurai - 625 007.

3. The Secretary to Government, School Education Department,
Fort St. George, Secretariate, Chennai - 600 006.

4. The Director of Elementary Education,
Chennai-600 006.

5. The Commissioner, Corporation of Chennai,
Chennai-600 003.

+1CC to M/S.Ajmal Associates, SR.No. 74067

+1CC to Mr.V.Panneer Selvam, Advocate, SR.No. 74416

+1CC to the Special Government Pleader, SR.Nos.74305,74306,
74293,74294

W.A (MD) No.448 of 2014

and

WP (MD) Nos.9398 of 2012,

20079 of 2014 & 19100 of 2014

22.08.2017

skm/Arul

AM/RSK/SAR 2/13.09.2017/5P/9C