

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.20066 of 2014

D.Indira Gandhi

... Petitioner

Vs.

1.The Teacher Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to select and appoint the petitioner to the post of B.T. Assistant Mathematics under priority category as dependent of service personnel as per G.O.Ms.No.188 P & AR Department dated 28.12.1976 based on the Certificate Verification conducted on 16.11.2010 as per the proceedings of respondent in Memo No.6055/Aa2/2010 dated 01.11.2010 and by considering the representation submitted by the petitioner on 06.01.2011 and 09.02.2012 with all consequential and other attendant benefits within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.C.Munusamy
Special Government Pleader (Education)
for R1

: Mr.K.Karthikeyan
Government Advocate for R2

O R D E R

The relief sought for in the present writ petition is a direction to direct the respondents to select and appoint the petitioner to the post of B.T. Assistant Mathematics, under priority category of Dependent of Service Personnel, as per the G.O.Ms.No.188, P&AR (Personnel-P) Department, dated 28.12.1976, based on the Certificate Verification, conducted

on 16.11.2010, as per the proceedings of respondent Board in Memo No.6055/Aa2/2010 dated 01.11.2010, and by considering the representation submitted by the petitioner on 06.01.2011 and 09.02.2012, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

2. The learned counsel for the writ petitioner states that the writ petitioner passed B.Sc. degree in Mathematics in the year 2002 and B.Ed. degree in the year 2005. Further, the petitioner acquired a Masters degree in M.Sc. (Mathematics) in the year 2007. The petitioner registered her name in the Employment Exchange for getting public employment. The learned counsel for the petitioner states that, in accordance with the employment seniority, the petitioner was called to participate in the process of Certificate Verification. Accordingly, the petitioner had participated in the Certificate Verification on 16.11.2010. The certificates of the writ petitioner were verified by the competent authorities. However, no appointment order was issued to her. Thus, she is constrained to move the present writ petition.

3. The learned Special Government Pleader, appearing on behalf of the 1st respondent, states that the writ petitioner did not possess the mandatory qualification, viz. a pass in Teachers Eligibility Test (TET), as per the rules in force. This apart, the procedures for selection to the post of B.T. Assistants had undergone changes and the Teacher Recruitment Board has to conduct the process of selection accordingly, and recruit the persons for filling up the aforesaid posts. Thus, the Certificate Verification done in respect of writ petitioner on 16.11.2010, cannot be construed as a ground to claim appointment, at this point of time.

4. Appointment can never be claimed as a matter of right. All appointments are to be made only under the constitutional schemes and by following the recruitment rules in force. Equal opportunity to all eligible persons to get public employment, is a constitutional mandate. All eligible persons must be provided with equal opportunities to participate in the process of selection. The authorities competent, while undertaking the process of selection, have to follow the rules in force, strictly and scrupulously. Mere participation in the Certificate Verification will not confer any right on the writ petitioner to claim appointment. The authorities competent are empowered to cancel even the selection process, if there is any valid reason. The process of selection can be challenged, if there is any malpractice, illegality or any corruption activities. Thus, mere participation of the writ petitioner in the Certificate Verification will not construe a legal ground, to claim appointment to a public post. Even if, for some reasons, the selection process is cancelled, in that event also, the candidates who have participated in the process of selection, cannot claim appointment as a matter of right, this being the

principle settled by the constitutional Courts across the country.

5. This Court is of an opinion that the present writ petition, filed mainly on the ground that the writ petitioner had participated in the Certificate Verification and no appointment order has been issued to her, deserves no merit consideration. It is left open to the writ petitioner to participate in the forthcoming selection processes, if any, to be notified by the respondents. This Court wishes the petitioner to secure public employment by way of hard work and on merits, and of course, subject to the rules of reservation.

6. With these observations, the writ petition stands dismissed. No costs.
mkn

Sd/
Asst. Registrar(CS-VIII)

Sub Asst. Registrar

To

1.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

+1 cc to Mr.G.Sankaran, Advocate Sr 65683

+1 cc to The Govt. Pleader, Sr 65854

KR/16/10/18

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