

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.1483 and 1484 of 2015

- 1.The Joint Director  
(Teachers Recruitment Board),  
Department of School Education,  
E.V.K.Sampath Maligai, 4<sup>th</sup> Floor,  
D.P.I.Compound, College Road,  
Chennai-600 006.
- 2.The Chief District Educational Officer,  
Thiyagi Annamalai Government Higher  
Secondary School Compound,  
Thiruvannamalai,  
Thiruvannamalai District. ... Appellants in both the W.As.

-vs-

N.Sankar ... Respondent in both the W.As.

Appeals filed under Clause 15 of Letters Patent, against the common order passed by this Court in W.P.Nos.31815 of 2013 and 24205 of 2014 dated 25.02.2015.

WP.31815/13: Writ Petition is filed u/a.226 of the Constitution of India praying for a writ of ceriorarified mandamus, to call for the records of the impugned order dated 23.10.2013 issued by the 1st respondent herein, quash the same and subsequently select the petitioner as the Post Graduate Teacher for the Government Higher Secondary School 2013.

WP.24205/14: Writ petition is filed u/a.226 of the Constitution of India praying for a writ of ceriorarified mandamus, to call for the records of the Impugned order dated 25.08.2014 downloaded from the Internet issued by the 1st respondent herein and quash the same and consequently and direct the respondents include the petitioners name in the professional selection list released in the internet on 25.8.2014 and appointed the petitioner herein for Post Graduate Assistant in Government Schools 2012-2013.

For Appellants :: Mr.P.S.Sivashanmugasundaram,  
Special Government Pleader

For Respondent :: Mr.Dalit Tiger Ponnusamy

COMMON JUDGMENT  
(Delivered by HULUVADI G.RAMESH, J.)

The respondent in these writ appeals submitted application for appointment to the post of P.G.Assistant, pursuant to the Notification dated 09.05.2013 issued by the Teachers Recruitment Board. The respondent, pursuant to the call letter issued by the Teachers Recruitment Board, appeared for the written examination. Thereafter, his certificates were verified. The Board, having found that the respondent obtained B.Ed., Degree only after the cut-off date, rejected his candidature. The respondent filed two writ petitions before this Court in W.P.Nos.31815 of 2013 and 24205 of 2014. W.P.No.31815 of 2013 was filed to quash the order dated 23.10.2013 issued by the first appellant herein and to select the respondent as Post Graduate Teacher for the Government Higher Secondary School for the year 2013. W.P.No.24205 of 2014 was filed to quash the order dated 25.08.2014 downloaded from the Internet issued by the first appellant herein and quash the same and consequently direct the official respondents to include the respondent's name in the professional selection list released in the internet on 25.08.2014 and appoint the respondent herein for Post Graduate Assistant in Government Schools, relating to the year 2012-2013.

2.Referring to Clause 13(b) of the application form which called upon the applicants to declare the year of passing / appearing, and also the respondent was permitted to appear for the examination, the learned single Judge exercised his discretionary power and allowed the writ petitions, in view of the subsequent events relating to the appearance of the respondent in the written examination and the further action taken by the Board to verify his certificates taking into account the marks secured by him.

3.Challenging the said order, the State has come up with these appeals.

4.The learned Special Government Pleader appearing for the appellants has submitted that the learned single Judge, having admitted that the Board is justified in its contention on law that candidates should be qualified before the cut-off date and that there is no hesitation to accept the case of the Board on

merits, erred in exercising his discretionary jurisdiction allowing the claim of the respondent, as it would consequently unsettle the settled position in the selections which attained finality. He further submitted that if such claim of the respondent is considered, it would amount to opening the pandora box, as several candidates with similar plea would claim for selection. Stating so, he prayed for quashing the common order passed by the learned single Judge in the writ petition.

5.The learned counsel for the respondent has submitted that this Court has exercised its discretionary jurisdiction to do substantial justice and rightly passed the order, allowing the claim of the respondent and hence the same does not require any interference by this Court.

6.Heard the learned counsel on either side and perused the materials available on record.

7.It is relevant to refer to Clause-11 of the Notification No.02/2013 issued by the Teachers Recruitment Board, dated 09.05.2013, which relates to Certificate Verification. In that clause, it is specifically stated that all Educational Certificates should have been issued prior to the last date for submission of filled-in applications and that the certificates issued after the cut-off date will not be considered. It cannot be simply read as persons who have appeared for the examination shall be considered for the post. As on the date of submission of application, the candidate should have acquired the qualifications prescribed. The qualification prescribed for the post of P.G.Assistant is M.A./M.Sc./M.Com. in the relevant subject with B.Ed. Degree. The respondent herein did not qualify in B.Ed. before the cut-off date. He only appeared for the examination and was not holding the degree certificate at the relevant point of time. Without there being any certificate in hand, it cannot be stated that the candidate has acquired the qualification. For example, if a person appears for examination in the year 1992, but he ultimately passes the examination only in the year 1995, he would have passed the examination after repeated attempts. In such a case, it cannot be construed that he completed the examination in 1992, eventhough he wrote the examination in 1992. Thus, a person can be considered as qualified only on acquiring the qualification by passing in all the subjects relating to the examination. When Clause-11 of the Notification clearly states that all educational certificates should have been issued prior to the last date for submission of filled-in applications and that the certificates issued after the cut-off date will not be considered, there cannot be any room for allowing the claim of the respondent.

8.In the result, the impugned common order passed by the learned single Judge is quashed and the writ appeals are allowed. No costs.

Assistant Registrar

Dt.15.2.18

//True Copy//

Sub Assistant Registrar

To

1.The Joint Director

(Teachers Recruitment Board),  
Department of School Education,  
E.V.K.Sampath Maligai, 4<sup>th</sup> Floor,  
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2.The Chief District Educational Officer,

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Secondary School Compound,  
Thiruvannamalai,  
Thiruvannamalai District.

+2 cc to Mr.Dalit tiger c ponnusamy,advocate,sr.5667

+1 cc to Govt.Pleader,sr.6221.

Krd 20/2

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