

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.1077, 1078 & 1079 of 2014 and
WMP.No.4134/2016

M.Sumathi .. Petitioner in W.P.No.1077/2014
G.Vinothini .. Petitioner in W.P.No.1078/2014
M.Arunkumar .. Petitioner in W.P.No.1079/2014

Vs.

1. The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road, Nungambakkam,
Chennai-6.
2. DIRECTOR OF COLLEGIATE EDUCATION
9TH FLOOR DPI COMPOUND COLLEGE ROAD
NUNGAMBAKKAM
CHENNAI-6

.. Respondent in all WPs.

R2 Deleted as per order dated 16.04.2015
in MP.1/15 in Wps.1077 to 1079/14.

***R3. S. Velu .. 3rd Respondent in W.P.No.1079/2014 (R3 impleaded
as per order in WMP. No. 4134/2016 in W.P. 1079/2014)**

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent 1 and 2 to consider the petitioner's Ph.D (Botany) Degree awarded by the CMJ University, Shillong, Meghalaya and allot 9 marks for the same and 14 marks for the service in various Government and Aided Colleges in Tamil Nadu, 10 marks for interview and select them to the post of Assistant Professor of Botany for the year 2012.

For Petitioner in all Wps : Mr.K.Sridhar

For Respondents in all WPs.: Mr.P.Raja, GA for R1

Mr.G. Sankaran for R3 in
W.P. 1079/2014.

COMMON ORDER

All these three writ petitions involve similar question of facts and law and therefore, they are heard together and disposed of by this common order.

2. As it appears that the 1st respondent came out with an advertisement for direct recruitment to the post of Assistant Professors in Tamil Nadu Collegiate Educational service for appointment in Government Arts and Science Colleges in the year 2012 in different discipline. All these petitioners, pursuant to the said advertisement applied for the post of Assistant Professor in the discipline of Botany. The total number of posts in the discipline of Botany was 65.

3. Accordingly all these petitioners appeared for the interview and in the selection process, the writ petitioner in WP.No.1077 of 2014, being a women, who belong to BC category, secured 23 marks and G.Vinothini, writ petitioner in WP.No.1078 of 2014, who belongs to MBC/DNC, secured 25 marks and M.Arunkumar, writ petitioner in WP.No.1079 of 2014 who belongs to SC category, has secured 14 marks. Though they are qualified and selected by the 1st respondent for appointment to the said post on the basis of the marks secured, they were not finally selected and consequently appointment was not given to them. Hence these writ petitions seeking writ of mandamus directing the 1st respondent to select and appoint them by giving necessary appointment order to them.

4. During the course of hearing, I have heard the learned counsel for petitioner and respondent. As it appears, in this case, the petitioner's contention that selection of the aforesaid petitioners was made subject to the verification of their certificates but the marks secured by them was not disputed. The learned counsel for the petitioners submit that neither the authority has verified the certificates nor taken any final decision on the same and as such even though they secured higher marks and their certificate are genuine, they are not getting the appointment. But during the course of hearing, writ petitioner in W.P.No.1079 is concerned, considering the marks that he had secured by him irrespective of verification of certificates, he has no case, as the intervenor in that writ petition has secured more marks, is fairly conceded by the learned counsel for the petitioner.

5. Per contra, learned counsel for respondent submits that since the Ph.D. certificate of the petitioner are spurious, inasmuch as PH.D obtained from CMJ University, Shillong, Meghalaya, since has been cancelled, the petitioners as such have no case and they are not entitled to appointment. So far as the writ petitioner in W.P.No.1079 of 2014 is concerned, he

having not secured the highest marks irrespective of verification and his case is liable to be dismissed inasmuch as he has even if his certificates are found genuine, even if his certificate are found genuine, he cannot get selected and also the same is not disputed by the said writ petitioner.

6. After hearing the learned counsel for parties and on going through the materials, it appears that marks awarded to these candidates, so far as PH.D degree is concerned, in the interview, was subject to the verification of the certificate, but no decision appears to have been taken in this regard by the 1st respondent by verification of the certificate in this regard. Therefore, the contention that has since certificates are spurious, they have no case, cannot be accepted. But simultaneously, the 1st respondent having come to a conclusion that they have awarded marks subject to verification of certificate and the recruitment was done four years before, the 1st respondent is duty bound to verify the certificate in this regard and take a final decision within a reasonable time but so far as the writ petitioner in WP.No.1079 of 2014 is concerned even after verification of his certificate, he has also no case, as fairly submitted.

****7. Therefore, these Writ petitions stand disposed of with a direction to the 1st Respondent to verify the PH.D. Certificates and take a final decision with regard to award of marks to the petitioners/Ph.D. Certificates holders which are alleged to be spurious by verification of the same, inasmuch as, the selection of the petitioners depends upon the same and till then, the 1st respondent be directed to continue to keep the post which have been kept vacant vide interim order passed in W.P.No.1077 and 1078/2014 and such decision shall be taken within two months from the date of production/receipt of copy of this order and also communicate the decision taken to the petitioner. But so far the post kept reserved vide interim order passed in the W.P.No.1079/2014, the same be filled as the petitioner has made out no case for his appointment in the Writ Petition, for not getting the highest mark in that category. No costs. Consequently connected Miscellaneous Petition is closed.**

-s/d-

Assistant Registrar(CS-II)

*** To be Substituted**

as per the order dated 23.04.2018

**** Amended as per the order dated**

23.04.2018 made in W.P.No.1077,1078 & 1079/2014.

True Copy

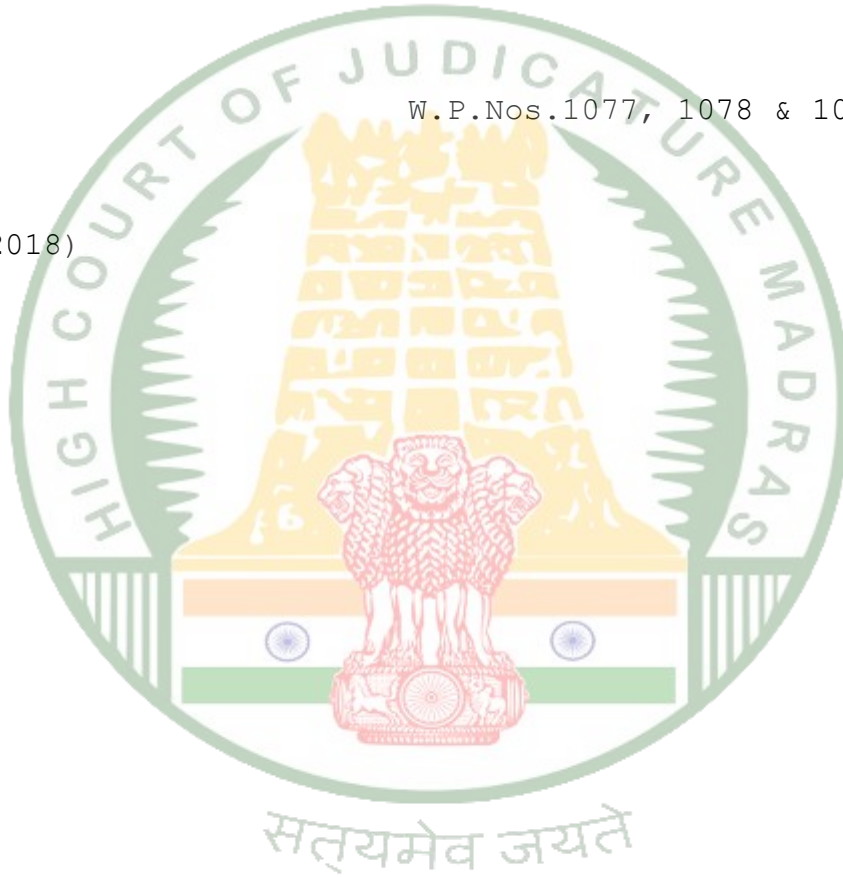
Sub-Assistant Registrar

To
The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road, Nungambakkam,
Chennai-6.

+2 CCS to Mr.G. Sankaran, Advocate sr 12391, 30216.
+3 Ccs to Mr.K. Sridhar Associates sr 12237.

W.P.Nos.1077, 1078 & 1079 of 2014

GJII (CO)
SP(30/05/2018)



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