

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.12220 of 2017 and
W.M.P.Nos.13017 to 13019 of 2017

S.Prabu

..Petitioner

Vs

1. The Principal Secretary to the Government,
School Education Department,
St.Fort George,
Chennai
2. The Chairman,
Teachers Recruitment Board,
Fourth Floor, EVK Sambath Building,
College Road,
Chennai-600006
3. The Director of Elementary Education,
College Road,
Chennai-600006
4. District Employment Officer,
Employment Office,
Perambalur District
5. The Commissioner,
Department of Employment and Training,
Commissionerate (Employment Wing),
Guindy, Chennai - 600 032

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 2 and 3 to appoint the petitioner as SGT in Government schools under MBC, Physically Handicapped - Ortho.

For Petitioner : Mr.V.P.Rajendran

For Respondents : Mrs.P.Kavitha,
Government Advocate

ORDER

The petitioner has made a prayer in this case to appoint him in the post of Secondary Grade Teacher in any Government School against MBC quota as he is a TET qualified candidate.

2. Needless to say that the petitioner's TET qualification makes him eligible to be considered for such

appointment in the respective category within seven years of having such qualification if any vacancy accrues and the recruitment for the same is made inasmuch as such TET qualification remains valid only for seven years. The petitioner was qualified in the year 2013 and his eligibility is going to be expired in the year 2020. The petitioner therefore has come with this writ petition directing the respondents to consider his case for appointment against vacancy available, as his TET qualification which is going to lapse shortly.

3. The learned counsel for the petitioner submits to direct the respondents 1 & 2 to consider the case of the petitioner on the said ground more particularly though he was a MBC category candidate but not sponsored by the employment exchange in the last recruitment and as such missed the chance.

4. But the learned Government Advocate appearing for the respondents submits that no doubt the petitioner is a qualified candidate and is eligible to be considered for appointment of Secondary Grade Teacher within seven years from the date he was TET qualified, but his candidature can be considered by the Board concerned through process of recruitment whenever vacancy arises and that too only on receipt of necessary requisition from the School Education Department. In this case, since the School Education Department has not made any requisition, the petitioner cannot claim appointment on the ground that his qualification is going to lapse shortly, his name can be considered. Therefore, the petitioner's claim being misconceived, this Court should not issue a mandate in exercise of writ jurisdiction under Article 226 of the Constitution of India. Accordingly, this writ petition being devoid of merit, liable to be dismissed.

5. I have heard the learned counsel for the parties on the merit of the writ petition. No doubt, the petitioner is presently a qualified candidate to be considered for appointment to the post of Secondary Grade Teacher if recruitment is taken up by the Teachers Recruitment Board within the period validity of such TET qualification. However, such recruitment is taken up by the Teachers Recruitment Board only on receipt of requisition from the employer that is the School Education Department. Thus even if some vacancies are there, until and unless the School Education Department decides to fill up the same and send requisition, the petitioner though qualified cannot claim as matter of right for recruitment on the ground stated. Hence, his case in this regard for appointment against any existing vacancy, therefore is without any substance. The counsel for the petitioner contention also that since last occasion, he was improperly sponsored as such he has a right to be considered is also devoid of merit inasmuch as he has not challenged such illegality stated to have been perpetrated to

him ignoring to sponsor him as an MBC candidate. This writ petition as such is devoid of merits and stands dismissed. Consequently, connected miscellaneous petitions are closed. However, in the circumstances there shall be no order as to costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

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5. The Commissioner,
Department of Employment and Training,
Commissionerate (Employment Wing),
Guindy, Chennai - 600 032.

+1cc to Mr.Rajendran, Advocate SR.NO.56672
+1cc to Government Pleader SR.NO.56838

MG(CO)
sm:11.9.2018

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