

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 8642 of 2015

W.M.P.No.1 of 2015

Dr.V.Ganapathy

..Petitioner

vs

1. The Secretary,
Higher Education Department,
Fort St.George,
Chennai - 600 009.
2. Teacher Recruitment Board,
Rep. by Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.
3. The Selection Committee,
Teacher Recruitment Board,
Rep.by Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to include the petitioner's name in the provisional list of candidates selected after the oral interview for the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges - 2012 and consequently, direct the Respondents herein to issue a fresh list of selected candidates including the petitioner's name for the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges -2012.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr. K.Karthikeyan
Government Advocate for R1

Mr.C.Munusamy
Special Government Pleader for R2 & R3

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to include the petitioner name in the provisional list of candidates selected after the oral interview for the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges - 2012 and consequently, direct the respondents to issue a fresh list of selected candidates, including the petitioner's name, for the post of Assistant Professor in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges-2012.

2. The learned counsel for the writ petitioner made a submission that the writ petitioner is a Post Graduate in M.A.Tamil and obtained a degree in the year 1987, with a mark of 54.97% and thereafter, he has completed M.Phil course in the year 1989 with first class and further completed his Ph.D. in the year 2002.

3. The writ petitioner is fully qualified for appointment to the post of Assistant Professor in the Collegiate Education Department. The writ petitioner submitted an application for appointment to the post of Assistant Professor, pursuant to the notification issued by the respondents.

4. The grievance of the writ petitioner is that though 34 marks were awarded by the Interview Committee and the said marks were noted down by the Committee Members in pencil in the application submitted by the writ petitioner, now the same has been altered without any reason.

5. In this regard, the learned counsel for the writ petitioner states that lot of irregularities are committed by the Selection Authorities. The writ petitioner had secured 34 marks and therefore, he is entitled for appointment to the post of Assistant Professor.

6. The writ petitioner was initially not permitted to participate in the interview and pursuant to the orders passed by this Court, the writ petitioner was permitted to participate

in the interview. Even during the interview, the writ petitioner was performed well and 34 marks were noted down by the Interview Committee Members in the Application Form of the writ petitioner. However, the said marks were altered without the knowledge of the writ petitioner.

7. The learned Government Advocate, appearing on behalf of the first respondent, relying on the counter affidavit filed by the second respondent, states that the allegation of the writ petitioner is that the marks in the interview was awarded arbitrarily is incorrect. The writ petitioner has not challenged the notification. In fact, the writ petitioner had participated in the process of selection. The writ petitioner was awarded 7 out of 10 marks in the oral interview as per his performance.

8. This apart, 9 full marks are awarded to the writ petitioner for his qualifications and 15 full marks are awarded for his teaching experience and his totally score, after certificate verification, was 24 marks. Thus, he was called for the interview on 06.12.2014. The writ petitioner was awarded 7 out of 10 marks as per the yardstick prescribed with respect to content, delivery, language and personal characteristics in accordance with G.O. Ms.No.32, Higher Education (F2) Department, dated 08.03.2013.

9. The merit list of the candidates, after the oral interview in respect of Tamil was published on 24.12.2014. The total score of the writ petitioner as per the merit list was 31 out of 34 marks. Then, the Selection List of the candidates was published on 27.01.2015. The total marks of the last candidate selected under General Turn (GTG) for the post of Assistant Professor in Tamil are 32, whereas the writ petitioner, who belongs to OC and comes under the General Turn (GTG) has a score of 31 marks. Thus, the writ petitioner did not fall within the Selection Zone under the GTG Turn.

10. This Court is of an opinion that if at all the process of selection is to be challenged, the writ petitioner has to challenge only on certain limited grounds. The writ petitioner, having participated in the process of selection and after awarding of marks, now cannot say that the authorities had altered his marks entered by the Selection Committee. All such considerations cannot be shown now after the declaration of the Select List by the Authorities Competent. In the event of any malpractice, illegality or corrupt activities, the same must be established by submitting certain documents and by impleading the persons concerned. However, no such allegations are substantiated. Certain bald allegations raised in general, cannot be considered by this Court, more specifically, under Article 226 of the Constitution of India. The fact remains that the writ petitioner had participated in the selection process,

including the interview and scored 31 out of 34 marks. Thus, the writ petitioner did not fall within the zone of consideration and accordingly, this Court is not inclined to consider the relief, as such, sought for in this writ petition.

11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pns/Svn

To

1. The Secretary,
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Chennai - 600 009.
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+1cc to the Government Pleader, S.R.No.66618

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VD(CO)
GSP(15/10/2018)