

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No. 20203 of 2009 and
M.P.No.1 of 2009

R. Regina

...Petitioner

.Vs.

1. The Member Secretary,
Teacher's Recruitment Board,
College Road, Chennai - 600 006.

2. The Director,
Government Examination,
College Road,
Chennai-600006.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the first respondent from cancelling the selection of the petitioner to the post of Secondary Grade Teacher awaiting declaration of the results for the petitioner by the second respondent in the special Examination for Diploma in Teacher Education conducted in June 2009 and to select and appoint the petitioner to the post of secondary Grade Teacher as per the selection for the year 2008-09 and to pass orders.

For Petitioner : Mr.S. Ramesh

For Respondents : Mr.K. Karthikeyan
Government Advocate(Education)

ORDER

The petitioner has filed this petition praying to issue a Writ of Mandamus forbearing the first respondent from cancelling the selection of the petitioner, to the post of Secondary Grade Teacher, awaiting declaration of the results for the petitioner by the second respondent in the special Examination for Diploma in Teacher Education conducted in June 2009 and to select and appoint the petitioner to the post of secondary Grade Teacher as per the selection for the year 2008-09.

2. The petitioner submits that she joined Teacher Training Course in Lowry Memorial Teacher Training Institute, Bangalore in the year 1991, and completed the course in the year 1993 and she has been issued with TCH Certificate by the Karnataka Secondary Education Board, which has conducted the Examination on 08.11.1993. Subsequently, she registered her qualification in the employment exchange on 14.03.1997 and she has been sponsored for appointment to the post of secondary Grade Teacher in the Government School. She belongs to backward class community. There was a ban for appointment from 2001 to 2006 and after the ban was lifted in the year 2006, the Government has passed orders in G.O.Ms.No. 220 dated 10.11.2008 to fill up the post of teachers including Secondary Grade teachers through Teacher Recruitment Board for the period 2007-08 and 2008-09.

3. Thereafter, the petitioner came to know that the TCH certificate obtained by the petitioner from Karnataka has to be evaluated by the Department of Government Examinations, Chennai, for the purpose of getting appointment within the State of Tamil Nadu. Since, the petitioner has secured less than 50% in three subjects it was stated that the TCH certificate obtained from Karnataka Secondary Education cannot be evaluated unless she re-writes the Diploma in Teacher Training Examination in the state of Tamil Nadu.

4. Accordingly, the second respondent has issued notification for the said eligibility course, and the petitioner has also applied for the said exam and had written the examination in June 2009, for which the result was published in October 2009. In the mean time, the employment exchange has sponsored her name for the post of secondary Grade teachers and on that basis the first respondent has issued call letter, dated 14.05.2009 to attend the verification on 30.05.2009. The petitioner has also attended the said verification and produced all the certificates. When the petitioner was asked to produce evaluation certificate, she has stated that she has written the special examinations conducted by the 2nd respondent and waiting for results. Accepting the same the first respondent has deferred the certificate verification stating that she will be called again.

5. The first respondent had further stated that with regard to the Diploma in Teacher Education conducted in June 2009, the results would be published in due course. Even though, the petitioner was issued with another call letter dated, 18.09.2009 issued by the first respondent calling upon her to participate in the certificate verification to be conducted on 07.10.2009, in the said letter, it was found that the same would be a final opportunity and in the event of the certificates are not

produced on the same day, the petitioner would not be appointed for the post of secondary Grade Teacher in the present selection.

6. The learned counsel for the petitioner would further contend that in the absence of Evaluation certificate to be issued by the 2nd respondent the claim of the petitioner for appointment should be considered. The learned counsel for the petitioner also contends that the respondents had cancelled the selection of the petitioner without permitting the petitioner to get the results from the second respondent, which is not an acceptable one, even though the petitioner had explained regarding the delay in publication of the results by the second respondent in the examination conducted in June 2009.

7. The learned counsel for the petitioner would also further contend that the age of the petitioner at the time of applying for the post is 35 years and she got the opportunity almost after 15 years from the date of completion of teacher training course and in this event if she is not considered, she would be greatly affected. Hence, the petitioner has approached this Court by way of filing this writ petition.

8. The Government Pleader has produced the letter of Teachers Recruitment Board, 4th Floor EVK Sampath Maaligai College Road, Chennai-600 006, dated 12.09.2011 which is addressed to The Special Government Pleader, (Education) High Court, Chennai-600 104. On a perusal of the said letter, it could be seen that the writ petitioner's name was sponsored by the employment exchange for the post of Secondary Grade Teacher Training in the year 2008-2009 and she was called for certificate verification on 30.05.2009, but at that time also the petitioner was not able to produce the said certificate qualifying herself as Diploma holder in Secondary Grade Teacher Training, which is the main qualification for the said post. Hence, she was not selected for the said post.

9. The learned Government Advocate would contend that the petitioner has completed the said course in Karnataka Secondary Education Board, in the year 1993. The certificate verification was also held on 08.11.1993 and the Government has issued orders in G.O.Ms.No.220 dated 10.11.2008 to fill up the post. After a long pendency the petitioner ought to have written the examinations as per the guidelines issued by the State of Tamil Nadu. Hence, it is the failure on the part of the petitioner to comply with the said norms and procedures even though, she was granted ample opportunity to substantiate her part.

10. In view of the submissions made by the learned Government Advocate for the respondents that opportunity has been given to the petitioner and then only the said impugned order has been issued by the respondent and even on that day also the petitioner was not able to produce the said certificate, this Court is inclined to dismiss this writ petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To.

1. The Member Secretary,
Teacher's Recruitment Board,
College Road, Chennai - 600 006.
2. The Director,
Government Examination,
College Road,
Chennai-600006.

+1cc to Mr.S.Ramesh, Advocate Sr.53395
+1cc to the Government Pleader Sr.53250

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srg 18/12/2018