

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.07.2018

CORAM

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

W.P.No.3515 of 2014

and

M.P.No.1 of 2014

A.Subramanya

..Petitioner

vs

1.The Secretary to the Government of
Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education
College Road,
Chennai-600 006.

3.The Chairman,
Teachers Recruitment Board,
DPF Campus, College Road,
Nungambakkam,
Chennai-600 006.

4.The Member Secretary,
Teachers Recruitment Board,
College Road,
Nungambakkam, 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 issue appointment order to the petitioner for the post Secondary Grade Teacher based on the State Seniority without insisting for the Teacher Eligibility Test by considering the certificate verification held on 03.06.2009 and following the Division Bench order of this Court in Review Application No.139 of 2012 in W.A.No.1021 of 2012 dated 09.07.2013.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mrs.A.Srijayanthi
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to issue appointment order to the petitioner for the post of Secondary Grade Teacher, based on the State Seniority without insisting for Teacher Eligibility Test, by considering the certificate verification held on 03.06.2009.

2. The learned counsel appearing for the petitioner made a submission that the writ petitioner, after completion of his educational qualification, enrolled his name in the Employment Office on 12.04.2006. Thereafter he possessed B.A. degree in History in the year 2010 and M.A. [Kannada] in the year 2012 as additional qualification. Pursuant to the employment seniority, the petitioner was called for certificate verification and accordingly, the writ petitioner had participated in the certificate verification on 14.05.2009. The learned counsel appearing for the petitioner would further submit that his certificates were verified by the competent authorities on 03.06.2009. Relying on the judgment of the Division Bench of this Court in Review Application No.139 of 2012 in W.A.No.1021 of 2012 dated 09.07.2013, the learned counsel is of an opinion that the writ petitioner had participated in the certificate verification and therefore without insisting qualification of Teachers Eligibility Test, the writ petitioner must be appointed as Secondary Grade Teacher based on the certificate verification already done.

3. The learned Special Government Pleader appearing on behalf of the respondents opposed the contention by stating that now the process of selection has been done by the Teachers Recruitment Board and the Teachers Eligibility Test is made as a mandatory qualification for appointment to the post of the Secondary Grade Teachers. All the qualified persons have to participate in the process of selection for appointment to the post of Secondary Grade Teacher and the certificate verification which was done in the year 2009, cannot constitute a ground for the writ petitioner to seek appointment order, now after a lapse of about 9 years.

4. This Court is of the opinion that appointment can never be claimed as a matter of right. All appointments are to be made only by following the recruitment rules in force. Now the Teachers Recruitment Board has to undertake the process of selection for appointment to the post of Secondary Grade Teachers based on the Teachers Eligibility Test, which is the requisite qualification for appointment to the post of Teachers. Thus, the qualification as prescribed cannot be dispensed with and further the writ petitioner has to participate in the process of selection. The contention of the writ petitioner that he participated in the certificate verification held during the year 2009, will not of any avail him to secure appointment now after a lapse of about 9 years. This apart, mere certificate verification or selection will not confer a candidate any right to claim an appointment. Even if a candidate is selected, the same will not confer any right for claiming appointment. Only in the event of issuing an appointment order, the candidate will get a right for claiming appointment and not otherwise. In the present case on hand, admittedly, no such appointment order has been issued. Thus, the mere certificate verification will not provide any claim for the writ petitioner to file a writ petition to secure appointment to the post of Secondary Grade Teacher. Therefore, it is left open to the writ petitioner to participate in the selection process, if any, notified by the Teacher Recruitment Board for appointment to the post of Teachers.

5. The writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Secretary to the Government of
Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

WEB COPY

2.The Director of Elementary Education
College Road,
Chennai-600 006.

+1cc to Mr.P.KANNANKUMAR, Advocate, S.R.No. 47850
+1cc to the Government Pleader, S.R.No. 47618

W.P.No.3515 of 2014

TR(31/07/2018)



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