

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.19895 of 2014

C.Pushparani

... Petitioner

Vs

1.The Secretary,
School Education Department,
St. George Fort,
Chennai - 600 004.

2.The Member Secretary,
Teacher Recruitment Board,
E.V.K. Sampath Maligai,
College Road,
Chennai - 600 006.

3.The Director of Elementary School Education,
E.V.K. Sampath Maligai,
College Road,
Chennai - 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to issue appointment order to the petitioner Mrs.C.Pushparani as per the employment seniority for a Secondary Grade Teacher under the Quota of Ex-Service Man Category.

For Petitioner : Mr.B.Rajkumar Ashok Singh

For Respondents : Mr.K.Karthikeyan
Government Advocate for R1 and R3

: Mr.C.Munusamy
Special Government Pleader (Education)
for R2

O R D E R

The relief sought for in the present writ petition is a direction to direct the respondents 1 and 2 to issue appointment order to the petitioner C.Pushparani, as per the employment seniority, for the post of Secondary Grade Teacher, under the quota for Ex-Servicemen.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner, on completion of her educational qualification, registered her name in the Employment Exchange. In accordance with the employment seniority, she was called for Certificate Verification by the respondents and she had participated in the Certificate Verification on 03.06.2009, and subsequently on 07.10.2009 and 18.11.2013, however, no order of appointment was issued to her. Though, the writ petitioner had participated in the process of Certificate Verification, the respondents had not issued the order of appointment to her.

3. The learned counsel for the writ petitioner states that the writ petitioner had taken effective steps to get an order of appointment by approaching the respondents, however, the petitioner could not get any information in respect of her appointment. Thus, the petitioner is constrained to move the present writ petition.

4. The learned Special Government Pleader, appearing on behalf of the 2nd respondent, opposed the contentions by stating that this Hon'ble Court, in its order dated 10.07.2012, passed in W.P.Nos.28342 and 28343 of 2011, has held that, those who appear and pass the Teachers Eligibility Test (TET) to be conducted on 12.07.2012, will eventually be selected for appointment to the post of Secondary Grade Teachers. Thus, the 2nd respondent Board was helpless and could not select the writ petitioner for the post of Secondary Grade Teachers, without the requisite pass in the said Teachers Eligibility Test.

5. This apart, the learned Special Government Pleader contended that the writ petitioner had not produced the evaluation certificate in respect of her educational qualification, obtained from the state of Karnataka, at the first instance of Certificate Verification. On these grounds, the case of the writ petitioner deserves no consideration.

6. The learned counsel for the petitioner states that the evaluation has already been done in respect of the case of the writ petitioner and a representation has already been submitted. Thus, there is no reason to deny appointment to the writ petitioner.

7. This Court is of an opinion that the writ petitioner participated in the process of Certificate Verification during the year 2009, and thereafter, a pass in Teachers Eligibility Test (TET) was made mandatory, for appointment to the post of Secondary Grade Teachers. Admittedly, during the relevant point of time, the writ petitioner was not possessing the qualification of Teachers Eligibility Test. This apart, the present writ petition has been filed on 23.07.2014, i.e. after a lapse of about 4 ½ years, from the date of participation in the Certificate Verification. Thus, the very filing of the

writ petition before this Court, is belated.

8. Appointment can never be claimed as a matter of right. All appointments are to be made only under the constitutional schemes and by following the recruitment rules in force. Equal opportunity to all eligible persons to get public employment, is a constitutional mandate. All eligible persons must be provided with equal opportunities to participate in the process of selection. The authorities competent, while undertaking the process of selection, have to follow the rules in force, strictly and scrupulously. Mere participation in the Certificate Verification will not confer any right on the writ petitioner to claim appointment. The authorities competent are empowered to cancel even the selection process, if there is any valid reason. The process of selection can be challenged, if there is any malpractice, illegality or corruption activities. Thus, mere participation of the writ petitioner in the Certificate Verification will not construe a legal ground, to claim appointment to a public post. Even if, for some reasons, the selection process is cancelled, in that event also, the candidates who have participated in the process of selection, cannot claim appointment as a matter of right, this being the principle settled by the constitutional Courts across the country.

9. This Court is of an opinion that the present writ petition, filed mainly on the ground that the writ petitioner had participated in the Certificate Verification and no appointment order has been issued to her, deserves no merit consideration. It is left open to the writ petitioner to participate in the forthcoming selection processes, if any, to be notified by the respondents. This Court wishes the petitioner to secure public employment by way of hard work and on merits, and of course, subject to the rules of reservation.

10. With these observations, the writ petition stands dismissed. No costs.

mkn

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
School Education Department,
St. George Fort,
Chennai - 600 004.

<https://hcservices.ecourts.gov.in/hcservices/>

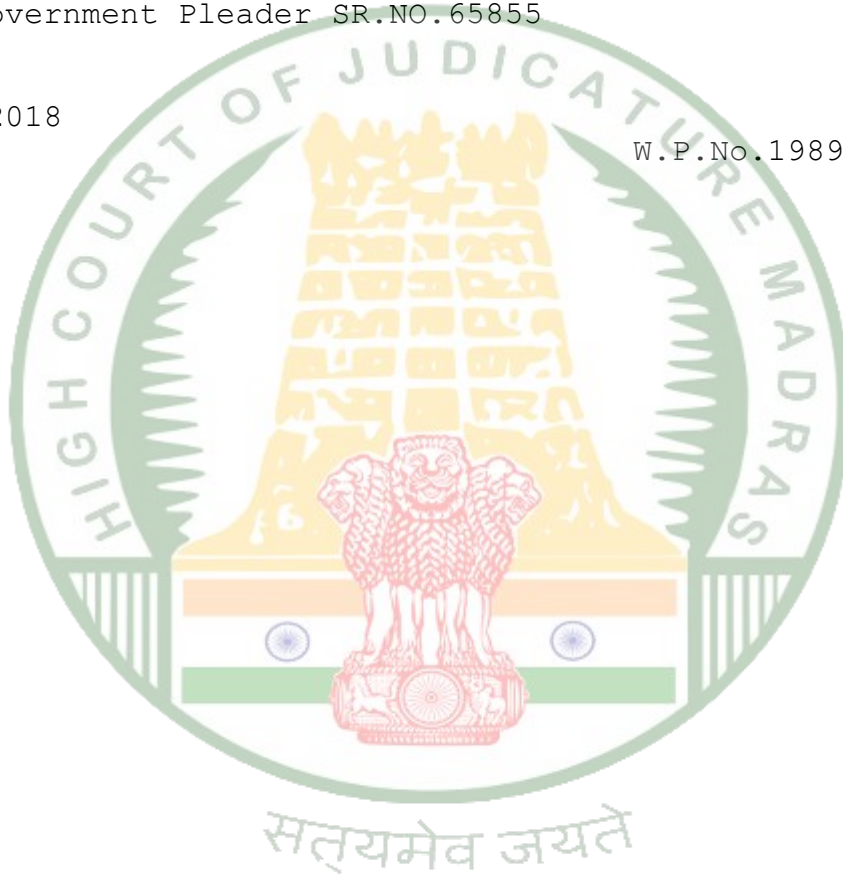
2.The Member Secretary,
Teacher Recruitment Board,
E.V.K. Sampath Maligai,
College Road,
Chennai - 600 006.

3.The Director of Elementary School Education,
E.V.K. Sampath Maligai,
College Road,
Chennai - 600 006.

+1cc to Government Pleader SR.NO.65855

RSV (co)
sm:12.10.2018

W.P.No.19895 of 2014



WEB COPY