

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.09.2018
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.14633 of 2013
and M.P.No.1 of 2013

Lilly Sabitha Gencita ... Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006. ... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to consider the petitioner for selection and appointment to the post of PG Assistant in Economics based on the selection for direct recruitment of PG Assistant for the year 2011-2012 conducted by 2nd respondent by allowing the petitioner to participate in the Certificate Verification and on the basis of marks secured by the petitioner in the Written Examination and by awarding weightage marks on merits by considering the representation submitted by the petitioner on 14.11.2012 and 17.12.2012, within the time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Raja, Government Advocate

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O R D E R

The relief sought for in this Writ Petition is for a direction to the respondent to consider the petitioner for selection and appointment to the post of PG Assistant in Economics based on the selection for direct recruitment of PG Assistant for the year 2011-2012 conducted by 2nd respondent by allowing the petitioner to participate in the Certificate Verification and on the basis of marks secured by the petitioner in the Written Examination and by awarding weightage marks on merits by considering the representation submitted by the petitioner on 14.11.2012 and 17.12.2012.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner was issued with call letter to participate in the certificate verification. On account of serious fracture, the petitioner could not able to participate in the process of certificate verification. Subsequently, the petitioner made a representation on 14.11.2012, with a request to grant permission to participate in the counselling and evaluate the certificates and accordingly, the grant marks and appoint if she is otherwise qualified. The respondents have not consider the claim of the writ petitioner and the writ petitioner is constrained to move this writ petition.

3. The learned Government Advocate appearing on behalf of the respondents opposed the contention by stating that the writ petitioner had not participated in the process of certificate verification. In view of the fact that since the petitioner has not participated in the process of certificate verification, the case of the writ petitioner was not considered. The final selection of the candidates were made based on marks secured in the written examination and on weightage marks awarded at the time of certificate verification subject to rules of reservation in force. In the call letter, it has been clearly stated that the candidates those who were called for certificate verification should make themselves present in schedule time in the venue as mentioned in the call letter, without fail. It is also informed that the Board will not give another opportunity if the candidates has failed to appear for certificate verification on the date and time stipulated therein.

4. The learned counsel appearing for the respondent state that in the event of allowing the petitioner to attend the certificate verification, it will pave way to all other candidates to seek for the same relief and it will not be possible for the respondent to accommodate such candidates, who have not participated in the process of certificate verification.

5. This Court is of the opinion that admittedly, the writ petitioner has not participated in the certificate verification. Even in case of participating in the certificate verification, appointment can never be claimed as a right unless the petitioner is fully qualified and within the zone of consideration. All appointment are to be done only by following the procedures contemplated in the recruitment rules in force.

6. In the present case on hand, the petitioner has not participated in the certificate verification and therefore, she is not entitled for any relief as such sought for in this writ petition. Hence, the Writ Petition stands dismissed. However, the petitioner is at liberty to attend forth coming process of selection. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.09.2018

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To

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006.
S.M.SUBRAMANIAM, J.

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