



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 22.11.2018

DELIVERED ON : 04.12.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD)No.21962 of 2018

and

W.M.P(MD)Nos.19912 to 19914 of 2018

A.Saranya .. Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by Secretary,
Education Department,
Secretariat, Chennai.
2. The Teachers Recruitment Board
rep. by the Chair Person,
E.V.K.Sampath Maaligai, D.P.I. Compound,
College Road, Chennai - 6.
3. The Member Secretary,
The Teachers Recruitment Board,
E.V.K.Sampath Maaligai,
D.P.I. Compound, College Road,
Chennai - 6.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Tentative Provisional Selection List for recruitment to the post of Special Teacher (Music) issued by the third respondent dated 23.09.2017 and 12.10.2018 and quash the same and consequently direct the respondents to give weightage mark considering the employment card No.W.33510/08 valid till December 2018 within the time frame stipulated by this Court and pass such further or other orders.

For Petitioner : M/s.P.Malini

For Respondent No.1 : Mrs.S.Srimathy,
Special Government Pleader.

For Respondents 2 and 3 : Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

The writ petitioner in response to the notification issued by the second respondent herein in dailies, applied for the post of Special Teacher [Music]. She belongs to MBC/DNC. She has secured



75 marks out of 95 marks and therefore called for certificate verification. On 13.08.2018, she appeared before the panel and submitted all her certificates. However, her name was not found in the Tentative Provisional Selection List, since her Employment Exchange seniority has not been taken into account. Since she has registered herself in the Employment Exchange as early as 2006, she is entitled for 3 additional marks as per the notification. While having failed to include 3 additional marks, she has now been deprived of Government employment. The error in omitting to add 3 additional marks is not the fault of the petitioner. Hence, her candidature must be considered.

2.The learned Special Government Pleader representing the second respondent would submit that as per the notification, the educational qualification for Special Teacher [Music] is as below:

MUSIC TEACHER	1.General Educational Qualification: S.S.L.C. 2.Technical qualification: (i) A Degree with Music under Part III or (ii) a.Sangeetha Bhushana of Annamalai University or b.Sangeetha Vidwan title in Music awarded by the Director of Government Examinations, Madras. or c.Sangeetha Siromani of the Madras University or d.Diploma in Music of the Madras University of Madurai University or e.Government Technical Examination Certificate (Higher Grade) in Music. or f.With 40% in Music (Theory and Practical) Separately under the Diversified Course and (iii) Technical Teachers Certificate. oOr (iv) Diploma in Music Teaching awarded by the Director of Government Examinations or (v) Teachers Certificate in Indian Music issued by the Director of Government Examinations.
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"Weightage marks as detailed below will be awarded after Certificate Verification for the eligible short-listed candidates.

S.N o.	Details	Total years of Employment Registration	Marks
1	Employment Registration after acquiring full qualification with upto date renewal	Upto one year	0
		1 to 3 years	1
		3 to 5 years	2
		5 to 10 years	3
		Above 10 years	5

3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleaders representing the respondents and perused the records.

4. In the application, the petitioner herein has stated her date of registration in the Employment Exchange, Sivagangai District as 21.08.2006 and subsequent transfer to Madurai on 10.12.2008 and the date of next renewal is December 2018. Since her Employment Exchange Card expired on the date of certificate verification, her candidature could not be taken into consideration. The perusal of the Employment Exchange Card which is annexed reveals that the next renewal date is December 2018. While so, not considering her Employment Exchange seniority which should enure her 3 additional marks is not in consonance with the notification. Therefore, the second respondent is directed to call the petitioner herein for production of the certificates, verify the same afresh after giving due weightage to her Employment Exchange seniority, the marks awarded to her shall be refixed and the Tentative Provisional Selection List can be drawn appropriately.

5. With the above direction, the writ petition is disposed of. No order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (RTI)

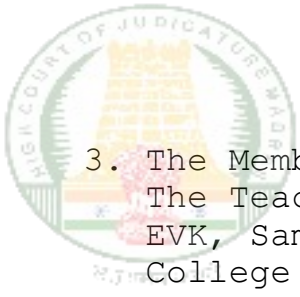
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Sub Assistant Registrar (CS-II)

To

1. The Secretary,
Education Department,
Government of Tamil Nadu,
Secretariat, Chennai.

2. The Chair Person,
The Teachers Recruitment Board,
4th Floor, 100th Street, K. Sampath Maaligai,
D.P.I. Compound, College Road,
Chennai - 600 006.



3. The Member Secretary,
The Teachers Recruitment Board,
EVK, Sampath Maligai, DPI Compound
College Road, Chennai.

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+1cc to M/s.P.Malini ,Advocate Sr.No.98614

SMN

KM/PM/SAR2/21.12.2018/4P/5C

ORDER MADE IN
W.P (MD) No.21962 of 2018
and
W.M.P (MD) Nos.19912 to 19914 of 2018
04.11.2018