



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2018

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P (MD) No. 2894 of 2015

and

M.P (MD) Nos. 1 and 2 of 2015

K. Manimekalai

.. Petitioner

Vs.

1. The Chairman,
Teachers Recruitment Board,
Chennai 600 006.

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

.. 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 relating to the impugned final list dated 25.02.2015 published by the first respondent in the website and quash the same in so far as disqualifying the petitioner for the post of Post Graduate Assistant under BC (T) (Economics) for the examination held on 10.01.2015 for wrong marking of medium of instruction as English and consequently direct the respondents herein to appoint the petitioner as Post Graduate Assistant under BC (T) (Economics) on the basis of marks 93+3 secured by the petitioner in the written examination held on 21.07.2013 within a reasonable time and pass such further or other orders.

For Petitioner	: Mr.K.Appadurai
For Respondent No.1	: Mr.VR.Shanmuganathan, Special Government Pleader.
For Respondent No.2	: Mrs.S.Srimathy, Special Government Pleader.

ORDER

The case of the petitioner is that she participated in the recruitment process for Post Graduate Assistants/Physical Directors Grade - I pursuant to the notification published by the first respondent dated 07.11.2014. She claims that her medium of instruction for the examinations prescribed as qualification, is in Tamil. Having secured 93 marks in the written examination and 3 additional bonus marks for Employment Exchange seniority weightage,



her total marks is 96. Whereas the candidates under BC Woman PSTM quota secured 90 marks were selected by the first respondent. Therefore, the rejection of her name for considering the said post is illegal and improper.

2. In the counter, the first respondent has stated that at the time of applying, the petitioner has not disclosed that her medium of instruction for M.A.[Economics] and B.Ed. was Tamil. In fact she has studied in English as medium of instruction. While so, she was not considered for the said post under PSTM quota.

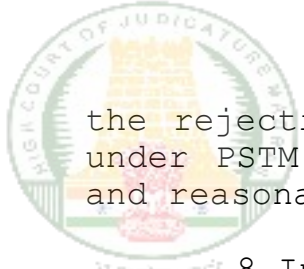
3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleaders representing the respondents.

4. The learned counsel appearing for the petitioner would submit that in a similar situation this Court vide order dated 28.01.2015 made in W.P(MD)No.14873 of 2014 [J.Murugeswari v. The Chairman, Teachers Recruitment Board, Chennai 600 006 and Another] has considered the request made by the petitioner therein claiming PSTM priority quota and stated that when the petitioner is in possession of all relevant certificates, which would indicate that she has studied in Tamil medium only, the Court is not in a position to find out how the result was declared in the impugned proceeding as though the petitioner was not the Tamil medium candidate and therefore, it is evident that some mistake has crept in the process of selecting the petitioner.

5. The learned counsel appearing for the petitioner would further submit that the said Murugeswari who has filed the said writ petition and got positive order is at Serial No.98, has secured 93 marks including Employment Exchange seniority.

6. The perusal of the Judgment cited by the learned counsel appearing for the petitioner and the Provisional Selection List, where the said Murugeswari is shown in Serial No.98, would go to show that she declared herself as Tamil medium candidate and has produced relevant certificates and she has categorised as BC Woman Tamil. Due some error as pointed out by this Court has occurred, her name was not considered under PSTM category. Hence, the Court has interfered and granted the relief to the petitioner Murugeswari.

7. Whereas the facts of the present case are different from that case. In the application of the petitioner, she has not claimed priority under PSTM quota. Her application clearly shows that her medium of instruction for SSLC, HSc and UG degree is Tamil and her medium of instruction for PG degree and B.Ed. is in English. In the Coding Sheet which has been filled up by herself, while she has mentioned that she completed her SSLC, HSc and UG degree in Tamil as medium of instruction and she completed her PG degree and B.Ed. course in English as medium of instruction, now she cannot claim that she should be considered under PSTM quota. Therefore,



the rejection of the petitioner's name by not considering her name under PSTM quota during the said selection process, is justifiable and reasonable.

8. In view of the above fact, this Court finds no merit in the writ petition. Hence, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Chairman,
Teachers Recruitment Board,
Chennai 600 006.
2. The Director of School Education,
College Road, Chennai 600 006.

+ 1 CC TO Mr.K.APPADURAI, ADVOCATE IN SR No. 97866
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 98113

SMN

TE/SV/SAR-3 : 20/12/2018 : 3P/5C

ORDER MADE IN
W.P(MD)No.2894 of 2015 and
M.P(MD)Nos.1 and 2 of 2015
29.11.2018