

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.D. AUDIKESAVALU

Writ Appeal Nos. 920, 925, 927, 931 & 934 of 2019

T. Selvasekar ..Appellant in W.A.No.
920 of 2019
S. Jothi ...Appellant in W.A. No.
925 of 2019
C. Pushparani ..Appellant in W.A. No.
927 of 2019
V. Usharani ..Appellant in W.A.No.
931 of 2019
J. Deepa ..Appellant in W.A. No.
934 of 2019

Vs.

1. The Government of Tamil Nadu
rep.by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The Teacher Recruitment Board,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Vellore Chief Educational Office,
Vellore District. ..Respondents in all
the appeals

Prayer: Writ Appeals as against the common order dated 07.03.2016 in W.P. Nos. 8430, 8432, 8433, 8434 & 8437 of 2016, praying to issue a Writ of Mandamus, directing the respondents to recall and appoint the petitioners for the appointment of Secondary Grade Teacher as per the certificate verification conducted on 05/06/2009 and 17/10/2009.

[illegible]

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN, J.)

The appellants were sponsored by the Employment Exchange for appointment to the post of Secondary Grade Teachers for the academic year 2008-2009. However, they were not given appointments. The writ petitions filed by the appellants were dismissed by the learned Single Judge by order dated 7 March, 2016 on the ground that much water has flown under the bridge after the completion of selection process and that for appointment, at that point of time, a pass in the Teacher Eligibility Test is also a mandatory requirement. Feeling aggrieved by the common order, the unsuccessful writ petitioners have come up with these intra-court appeals.

2. We have heard the learned counsel for the petitioners. We have also heard the learned Special Government Pleader on behalf of the respondents.

3. The appellants made a claim for appointment to the post of Secondary Grade Teacher on the ground that employment exchange seniority alone was the consideration for such appointments. The selection process came to an end in October, 2009. Subsequently, the Teachers' Recruitment Board issued a notification making a pass in the Teacher Eligibility Test as a mandatory requirement for appointment to the post of Secondary Grade Teachers.

4. The writ petitions were filed long after the completion of the selection process. The appellants explained the delay by contending that they have been giving representations to the Teachers' Recruitment Board and Educational Department for considering their case for appointment taking into account the employment exchange seniority.

5. The learned counsel for the appellants took up a contention that even now, the selection is only on the basis of employment exchange seniority. We therefore directed the learned Special Government Pleader to take instructions from the respondents as to whether employment exchange seniority is the relevant criteria even today for appointment to the post of teachers.

6. The information furnished by the learned Special Government Pleader clearly indicates that the Teachers' Recruitment Board was constituted for making appointments to the post of teachers and the employment exchange seniority is no longer the eligibility criteria. The selection is now not confined to employment exchange seniority alone. It is open to the candidates who passed the Teacher Eligibility Test to submit application for appointment. Such being the factual position, the appellants are not correct in their contention that by virtue of their employment exchange seniority, the State should provide them appointment.

7. The learned counsel for the appellants, after ascertaining the factual position that employment exchange seniority is no longer the sole eligibility criteria, submitted that the appellants would be satisfied in case, a direction is issued for restoring their employment exchange seniority. We do see merit in the said contention.

8. The appellants have registered their names before the employment exchange. The Teachers' Recruitment Board issued call letters to the appellants based on their employment exchange registration and seniority. The appellants were not selected ultimately. The appellants are therefore entitled to restoration of their original seniority.

9. We permit the appellants to submit application before the concerned employment exchange for restoring their original seniority. They should also produce documents evidencing their registration before the concerned employment exchange and their seniority position. In case, any such application is given, the same shall be taken up forthwith by the concerned Employment Officer and the original seniority should be restored.

10. The intra-court appeals are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

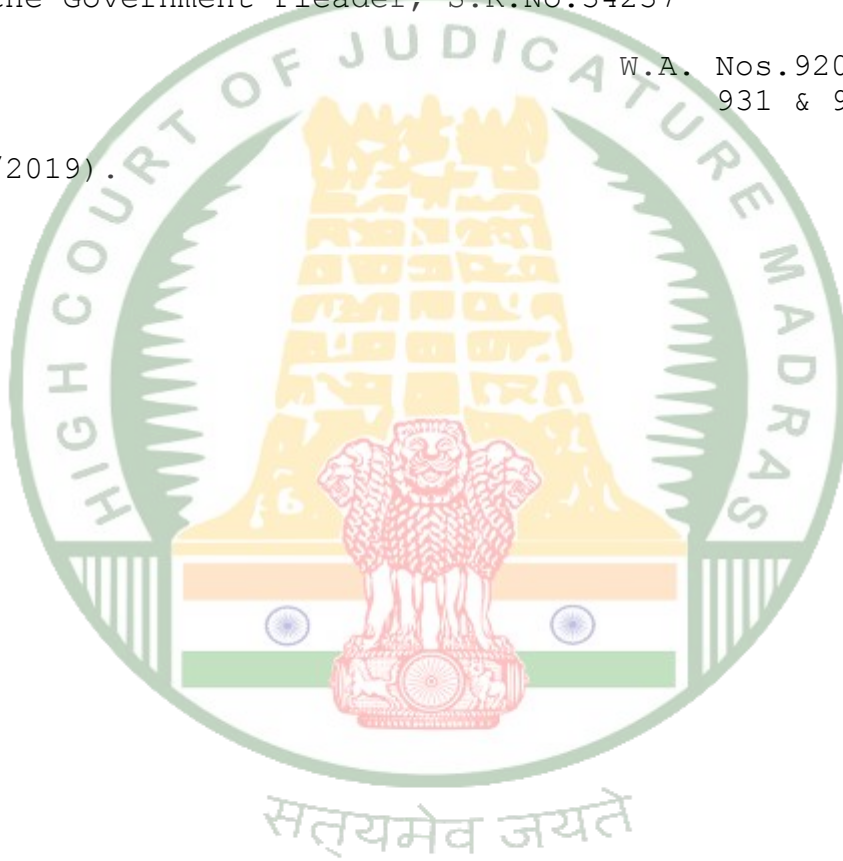
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The Teacher Recruitment Board,
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Vellore Chief Educational Office,
Vellore District.

+5 ccs to Mr.P.Ganesan, Advocate, S.R.No.33738 to 33942

+1 cc to the Government Pleader, S.R.No.34237

W.A. Nos.920, 925, 927,
931 & 934 of 2019

(CO)
SSM(10/05/2019).



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