

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.10075 of 2010
and M.P.Nos.1 and 2 of 2010

R.JAYAVELU

... Petitioner

Vs

- 1 THE GOVERNMENT OF TAMILNADU
REP BY ITS SECRETARY DEPARTMENT OF ART AND
CULTURE FORT ST.GEORGE CHENNAI 9.
- 2 THE SECRETARY TO GOVERNMENT
EDUCATION DEPT. FORT ST.GEORGE CHENNAI 9.
- 3 THE SECRETARY
TAMILNADU PUBLIC SERVICES COMMISSION
CHENNAI 2.
- 4 THE DIRECTOR OF SCHOOL
EDUCATION GOVT. OF TAMILNADU COLLEGE ROAD
NUNGAMBAKKAM CHENNAI 6.
- 5 THE CHAIRMAN
TEACHERS RECRUITMENT BOARD COLLEGE ROAD
CHENNAI 6
- 6 THE COMMISSIONER
EMPLOYMENT AND TRAINING DEPT. GUINDY
CHENNAI 32.

... Respondents

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of MANDAMUS directing the respondents to implement the Government orders passed in G.O.Ms. No. 63 dated 20.5.2002 which was also confirmed by the Government in their G.O. Ms. No. 133 dated 14.6.2007 for appointment of the Art Masters.

For Petitioner : Mr.S.Arokia Maniraj

For Respondents : Mr.K.Karthikeyan,
Govt.Advocate

ORDER

The Writ Petitioner passed Higher Secondary Examination in the year 1989 and also completed the course "free hand outline and model Drawing" and had been issued with Technical Teachers Certificate in 'Drawing' during the year 1991. The petitioner also passed Technical Teachers Certificate course in drawing in the year 1996. The petitioner enrolled his name with 6th respondent on 26.02.1996.

2. The Government has revised the educational qualification from the minimum educational qualification of SSLC vide G.O.Ms.No.63 dated 20.05.2002 and the same has also been confirmed by the Government vide G.O.Ms.No.133 dated 14.06.2007.

3. The Government of Tamil Nadu caused paper publication during August 2009 that they are going to fill up 231 vacancies and also asked the 6th respondent to sponsor the names of the eligible candidates as per seniority in the ratio of 1:5.

4. According to the petitioner, he has not received any intimation from the respondents even though he possessed necessary qualification for the said post. Therefore, the present writ petition has been filed before this court, seeking a direction to the respondents to implement the G.O.Ms.No.63 dated 20.05.2002 which was also confirmed by the Government in G.O.Ms.133 dated 14.06.2007 in respect of appointment of Art Masters.

5. Counter affidavit is filed by the 6th respondent wherein it has been stated that the petitioner's name has been registered in the District Employment Office, Thiruvallur and furnished the employment registration details as follows:-

"Name : R.Jayavelu

Reg.No. : 1993 M 10667

Address : S/o.Radha, Mannallur Village, Gummidipoondi Taluk
Thiruvallur District.

Date of birth : 22.03.1969

Community and Category : S.C.Non priority

Qualifications : Drawing Teacher (159.10)

Registered with Seniority : S.F. 06.05.1996

SSLC SF.18.10.1985 (X01.10)
HSC SF, 31.08.92 (01.15)
Agriculture Instructor SF.6.5.96
(600.31)
Renewal upto : August 2014. "

6. It is further averred in the counter affidavit that the 5th respondent namely Chairman, Teachers Recruitment Board, has notified 230 posts of Drawing Master ear-marked for various communities/categories to the office of 6th respondent namely Director of Employment and Training, Chennai, with a request to nominate suitable and senior registered candidates available in the State. The qualification prescribed for filling up of the above said post is as under:-

"(1) Academic : General Educational Qualification SSLC

(2) Technical :

(1) (a) Degree with Drawing and Painting under Part III of a University in the State (or) Diploma in drawing of the Annamalai University (or)

(b) Must have passed Higher Secondary and Government Technical Examination (Higher Grade) in Free hand outline and Model Drawing; by the Tamilnadu Institute of Architecture and Sculpture, Mammallapuram. and

2. Must possess Technical Teacher's Certificate."

7. It is further submitted that the 6th respondent had circulated the above said vacancies to all the subordinates in the State vide letter No.Tho.Pa.1/37603/2009 dated 12.11.2009 with a request to nominate suitable and eligible registered candidates for each and every category. In response to the same, District Employment Office, Thiruvallur, coming under the control of 6th respondent has submitted a list containing the names of all senior and eligible candidates of Thiruvallur District, in which the name of the petitioner was also found a place. However, it is submitted that when State Level Seniority List was drawn by 6th respondent and the cut-off date decided for nomination of Scheduled Caste and S.C.(Arunthathiyar), General category was 11.06.1993. The seniority of petitioner was 06.05.1996 and it was not fallen within the cut off date decided i.e. 11.06.1993. Therefore, the name of the petitioner was not nominated by 6th respondent to 5th respondent when state-level panel was finalised, for want of seniority.

8. From the aforesaid averments of the 6th respondent, it is apparent that the writ petitioner's name did not fall in the seniority list, within the cut off date fixed by the respondents i.e. 11.06.1993 and that the records material available on record would go to show that his seniority registered is shown as SF 06.05.1996. In view of the above said reasoning, the contentions raised by the petitioner do not have any force. Accordingly, the writ petition is devoid of merits and therefore, the same is dismissed. No costs. Consequently, connected MPs are closed.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

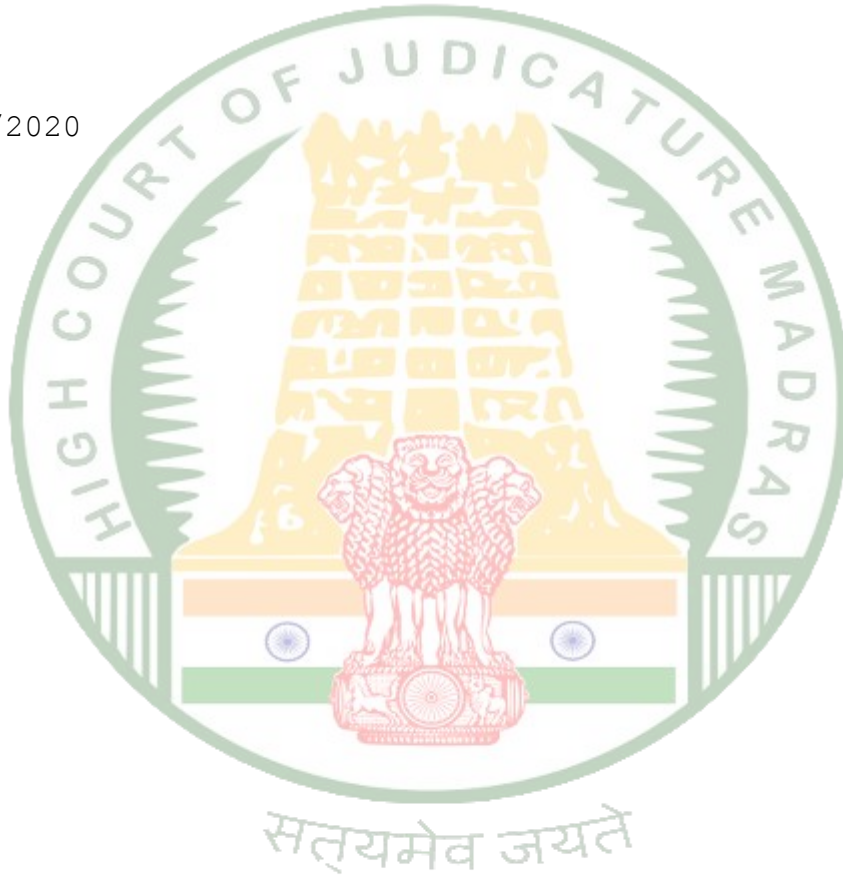
- 1 THE SECRETARY,
GOVERNMENT OF TAMILNADU
DEPARTMENT OF ART AND CULTURE,
FORT ST.GEORGE CHENNAI 9.
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6 THE COMMISSIONER,
EMPLOYMENT AND TRAINING DEPARTMENT,
GUINDY,
CHENNAI 32.

+lcc to the Government Pleader Sr.89632

WP.10075 of 2010

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