

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.21547 of 2009

R.Kanthimathi

.. Petitioner

-vs-

1.Teachers Recruitment Board,
through its Member Secretary,
IV Floor, E.V.K.Sampath Salai,
College Road, Chennai-600 006.

2.Director of Elementary Education,
Chennai-600 006.

3.District Elementary Educational Officer,
O/o. District Elementary Education,
Coimbatore.

4.Assistant Elementary Educational Officer,
O/o. Assistant Elementary Educational Office,
Kudimangalam Panchayat,
Pethappampatti, Udumalpet Taluk,
Tiruppur District.

5.District Employment Officer,
Virudhunagar,
Virudhunagar District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.No.5015/Aa4/08 dated 23.09.2009 and consequential proceedings in Na.Ka.No.23007/D1/2009 dated 13.10.2009, Na.Ka.No.5541/Aa4/2009 dated 14.10.2009 issued by the 2nd and 3rd respondents respectively and quash the same.

For Petitioner : Mr.S.K.Rakhunathan

For Respondents : Mr.K.Karthikeyan,
Government Advocate

ORDER

The writ has been filed challenging the correctness of the impugned proceedings issued by the first respondent in Na.Ka.No. 5015/Aa4/08 dated 23.09.2009 and consequential proceedings in Na.Ka.Nos.23007/D1/2009 and 5541/Aa4/2009 dated 13.10.2009 and 14.10.2009 issued by the 2nd and 3rd respondents respectively.

2.Learned counsel appearing for the petitioner submitted that the petitioner, after completing 12th standard in March 1991 and Diploma in Teacher Education in February 2004, registered in the Employment Office, Tirunelveli on 12.06.1991 and 05.04.2004 respectively. However, she transferred her registration from Employment Exchange of Tirunelveli District to District Employment Office at Virudhunagar on 26.03.2007. While so, the Teachers Recruitment Board, the first respondent herein proposed to make direct appointment for Secondary Grade Teachers for the academic year 2008-09 and the petitioner, who was one among the candidates, was sponsored by the District Employment Office, Virudhunagar District. In this regard, the petitioner received a call letter from the office of the first respondent on 14.05.2009 instructing the petitioner to appear at 10.00 a.m. on 28.05.2009 at Kshatriya Girls Higher Secondary School at Virudhunagar for verification of certificates and employment card and the petitioner appeared before the officials and her certificates were verified by the officials. Thereafter, she was called for counselling on the second week of July 2009 at Trichy in Bishop Heaber Higher Secondary School Trichy. After posting order, she joined the service on 16.07.2009 in Panchayat Union Primary School, Viruhalpatti.

3.According to the learned counsel appearing for the petitioner, the petitioner received a communication of the first respondent in Na.Ka.No.5015/Aa4/08 dated 23.09.2009 directing the second respondent to issue necessary orders of termination of her services and based on the said directions, the second respondent issued his Proceedings in Na.Ka.No.23007/D1/2009 dated 13.10.2009 directing the third respondent to cancel the appointment order and subsequently, the third respondent have issued his Proceedings in Na.Ka.No.5541/Aa4/2009 dated 14.10.2009 ordering the termination of the services and directing the fourth respondent to issue relieving orders.

4.Learned counsel appearing for the petitioner, while continuing his argument, would submit that the first respondent had cancelled the appointment on the ground that while the cut-off date for the Backward Class has been fixed as 19.04.1999, they have mistakenly taken the date of registration of 10th

standard qualification as 04.07.2000. Admittedly, the petitioner registered her 12th standard qualification in the District Employment Office, Tirunelveli on 12.06.1991, whereas in the impugned proceedings it has been stated that the petitioner has registered on 04.07.2000 and it has been further stated that the cut-off date was fixed as 19.04.1999. According to the learned counsel appearing for the petitioner, when the first respondent, after due verification of all the records, came to the conclusion that the petitioner was entitled to the post and selected for the post, the impugned order passed by the first respondent cancelling the appointment of the petitioner is contrary to law. Therefore, he pleads for quashing the same.

5.Reiterating the averments made in the counter affidavit filed by the Assistant Elementary Educational Officer, Tiruppur District, the fourth respondent herein, learned Government Advocate appearing for the respondents would submit that it is an admitted fact that the petitioner had completed her Teacher Training Course and got registered with the Tirunelveli Employment Exchange on 05.04.2004 and transferred her employment registration to Virudhunagar Employment Exchange on 26.03.2007. Therefore, it is very clear that the seniority of the petitioner commences only from 2004 for the post of Secondary Grade Teacher and for the posts of Vocational Teacher and Arts Teacher, the seniority would commence from the general qualification i.e. 10th or HSC, but the petitioner's case is concerned, she was wrongly selected for the post of Secondary Grade Teacher. As the seniority taken for appointment from Employment Exchange for the post of Secondary Grade Teacher only till 19.04.1999 and the petitioner having requisite qualification for the post of Secondary Grade Teacher, registered with the Employment Exchange only on 05.04.2004, the petitioner did not come under the zone of consideration based on seniority.

6.I also find merits on the submission made by the learned Government Advocate appearing for the respondents. As mentioned above, when the cut-off date for the Backward Class has been fixed by the respondents as 19.04.1999, the petitioner, after completing her Diploma in Teacher Education in February 2004, has registered in the Employment Office, Tirunelveli only on 05.04.2004. Therefore, the impugned order passed by the respondents cannot be found fault with. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1. Teachers Recruitment Board,
through its Member Secretary,
IV Floor, E.V.K.Sampath Salai,
College Road, Chennai-600 006.

2. Director of Elementary Education,
Chennai-600 006.

3. District Elementary Educational Officer,
O/o. District Elementary Education,
Coimbatore.

4. Assistant Elementary Educational Officer,
O/o. Assistant Elementary Educational Office,
Kudimangalam Panchayat,
Pethappampatti, Udumalpet Taluk,
Tiruppur District.

5. District Employment Officer,
Virudhunagar,
Virudhunagar District.

+1 cc to The Government Pleader, Sr.No. 29116

CA(CO)
CSL/02.05.2019

W.P. No.21547 of 2009

सत्यमेव जयते

WEB COPY