

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15279 of 2010

T. Palanivel

...Petitioner

Vs

- 1.Teachers Recruitment Board,
represented by its Director,D.P.I. Campus,
College Road, Chennai-600 006.
- 2.The Professional and Executive Employment Office,
represented by its Director,
Mandaveli, Chennai-600 004.
- 3.The Director of School Education,
D.P.I. Campus, College Road, Chennai-600 006.
- 4.P. Jayaraman
Physical Director Grade-I,
Government Higher Secondary School
Uthagamandalam, Nilgris District. ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to forthwith appoint the petitioner as Physical Education Director, Grade-I, with effect from 01.09.2008.

For Petitioner : Mr.K. Selvaraj

For RR 1 to 3 : Mr.A. Rajaperumal
Additional Government Pleader

For R4 : Mr.K. Thilageswaran

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to forthwith appoint him as Physical Education Director, Grade-I, with effect from 01.09.2008.

2. The case of the writ petitioner is that after completing M.P.Ed., he has registered the same in the office of the second respondent on 03.09.1992. Subsequently, he has been continuously renewing the same in the office of the second respondent/department. While so, on 11.01.2010, the second respondent/Employment Office announced that the Teachers Recruitment Board has notified the post of Graduate Teacher vacancies totaling around 904 and fixed the seniority cut-off for nominating the eligible candidates by the Employment Exchange and thereby it has advised the candidates to contact their respective professional and executive employment office before 22.01.2010. Though the cut off seniority for scheduled caste candidates for the post of Physical Education Director - Grade-I, is fixed as 30.03.1994, the name of the petitioner who has registered his qualification as early as on 03.09.1992 and who belongs to SC category, was not found place in the seniority list. Thereafter, the petitioner approached the office of the second respondent on 21.01.2010 in person and enquired about the reasons for non-inclusion of his name in the list of eligible candidates. He has also made thorough verification in the list of candidates forwarded by the second respondent for filling up the post of Physical Education Director, Grade-I, and thereafter, the petitioner came to know that the 4th respondent viz., P. Jayaraman, who has registered his qualification only on 04.09.1992, i.e., one day after the petitioner has registered his name, was sponsored by the second respondent for the post of Physical Education Director, Grade-I and the said person has been appointed by the respondents. Subsequently, the 2nd respondent, vide his proceedings dated 21.01.2010, informed that his name was included in the scheduled caste category.

3. According to the writ petitioner, due to the mistake committed by the second respondent, he was not appointed for the year 2008. It is further contended that had the petitioner been appointed with effect from, he would have received the scale of Rs.6,500/- and he would have received the benefits as per the revised pay scales. Since the respondents have failed to follow the procedure, he has filed the present writ petition with a prayer cited supra.

4. Counter affidavit has been filed by the second respondent, wherein it is stated that during the year 2008, the second respondent seniority list and thereby names of eligible persons were also published in the department official website www.employment.tn.gov.in and a press release was also released in dailies clearly stating that the persons whose names were not found place are requested to contact the second respondent in case of omission. However, to redress his grievance, the petitioner did not contact the second respondent during the year 2008 requesting to add his name in the seniority list published

by the department. Subsequently, the first respondent has finalized the list and made appointment from the seniority list published by the second respondent. Therefore, the contention of the petitioner that the second respondent has failed to include his name in the seniority list cannot be sustained, as he did not give his representation before the second respondent on time. Thus, in view of his failure to correct his registration particulars, the prayer of the petitioner seeking to appointment in the post of Physical Education Teacher, Grade-I has no legs to stand. On this basis, he prayed for dismissal of the writ petition.

5. Heard the learned counsel appearing on either side and perused the materials available before this Court.

6. Admittedly, the first respondent has notified 25 vacancies of Physical Education Director, Grade-I to the second respondent in the year 2008 requesting to sponsor the suitable candidates for the said post according to the seniority list. Subsequently, the second respondent has published the list of candidates eligible to be appointed for the said post as per the seniority list and it has further advised them to contact them in case of omission of their names in the seniority list published in the official website. Despite such opportunity being given, the petitioner has failed to avail the same to redress his grievances. On the contrary, he has approached the respondent only after the finalization of the list of eligible persons to be appointed for the said post. Therefore, in view of his belated request, the respondents were unable to accept his request.

7. Thus, in view of his failure to approach the Authorities to redress his grievances, in my view, the petitioner cannot fault the Authorities. It is also seen that although the entire process was finalized in the year 2008 itself, he has filed the present writ petition in the year 2010 with a delay of two years for his non-selection in the year 2008. In such view of the matter, I do not find any merit in the writ petition and accordingly, it is dismissed as devoid of any merit. No Costs.

Sd/-

Assistant Registrar(J)

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Sub Assistant Registrar

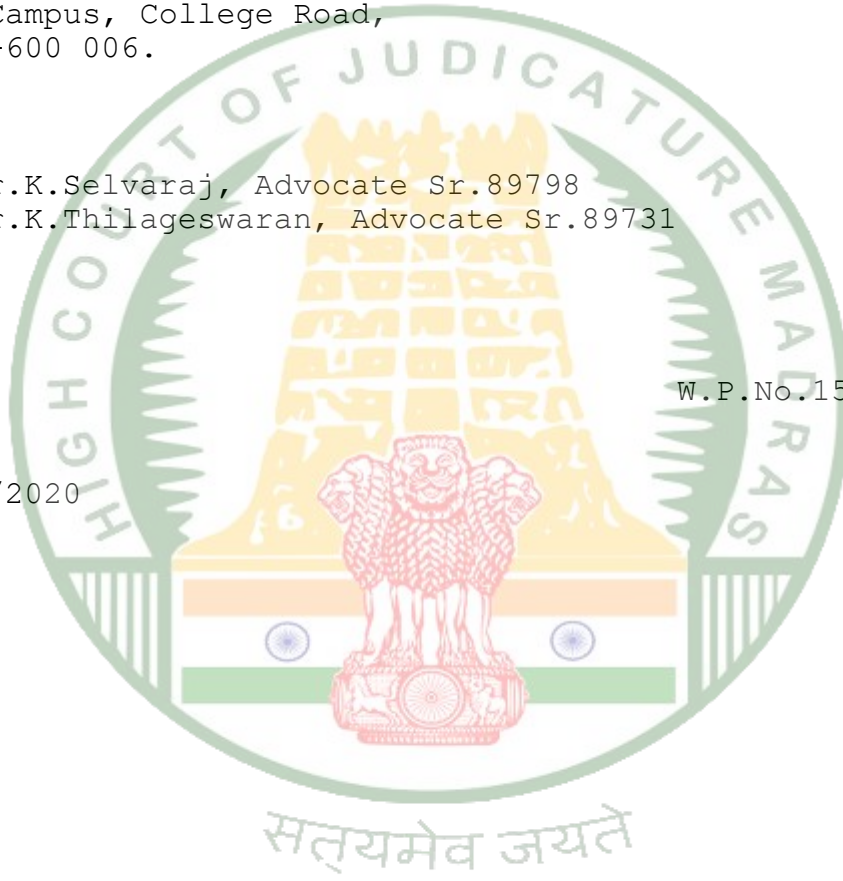
To

- 1.The Director,
Teachers Recruitment Board,
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- 2.The Director,
Professional and Executive Employment Office,
Mandaveli, Chennai-600 004.
- 3.The Director of School Education,
D.P.I. Campus, College Road,
Chennai-600 006.

+lcc to Mr.K.Selvaraj, Advocate Sr.89798
+lcc to Mr.K.Thilageswaran, Advocate Sr.89731

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srg 29/01/2020



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