

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.02.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5161 of 2019
and
W.M.P.No.5867 of 2019

S.Vidhya Priyadharshini

..Petitioner

vs

1.The Chairmen
Teachers Recruitment Board
4th Floor, EVK Sampath Maligai
Village Road, Chennai - 600 006

2.The Director,
Teachers Recruitment Board
DPI Complex, Chennai - 600 006

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to permit the petitioner to submit her educational certificate for the verification for the post sewing teacher (Special Teacher) and consider the petitioner's appointment for the post of sewing teacher.

For Petitioner : Mr. Sundaresan S.

For Respondents : Mr.C.Munusamy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to permit the petitioner to submit her educational certificate for the verification for the post sewing teacher (Special Teacher) and consider the petitioner's appointment for the post of sewing teacher.

2.The learned counsel for the writ petitioner states that the writ petitioner participated in the process of selection and she was successful in the written examination held on 23.09.2017.

3.The grievances of the writ petitioner is that she was prevented from appearing for the Certificate Verification as she was suffering from measles and admitted in the hospital. On

account of the illness, the petitioner was unable to participate in the process of Certificate Verification held on 13.08.2018. Now, the present writ petition is filed, after a lapse of about 4 months i.e., on 13th February 2019, stating that the writ petitioner could not able to appear for the Certificate Verification on account of her illness and therefore, her representation is to be considered by the competent authorities.

4.This Court is of an opinion that the large number of candidates are participating in the process of selection. On account of acute unemployment problem in our country, candidates are aspiring to secure public employment by participating in the open competitive process. Difficulties, personal problems, illness etc., may be a cause for few candidates for their non appearance either in the written examination or interview or Certificate Verification etc., However, those personal difficulties or inabilities could not constitute a ground for issuing a direction to the selection authorities to conduct re-interview or to direct them to conduct a fresh Certificate Verification separately for a candidate. Those personal grievances are to be construed as the personal grievances and the absence cannot be condoned.

5.However, if the Court permits such candidates by issuing a direction to conduct interview or Certificate Verification, the same will settle a wrong precedent and all those similarly placed candidates, who did not attend the interview will come forward and file writ petitions by stating that they had also not attended the examinations or interviews or certificate verifications on certain personal grounds. Thus, leniency or misplaced sympathy cannot be considered as a ground for issuing such directions to the authorities to conduct separate interview or a certificate verification, after the completion of the process of selection. If at all, the writ petitioner lost one opportunity, she should not think about that happenings and participate in the next selection process. Such ambition alone can save the right and, the relief sought for to consider the representation cannot be granted as the writ petitioner has not established any legal right, so as to issue any such direction. However, it happens for a few students on account of illness, accident and other personal reasons in the family, they are unable to appear for the examinations, selection process, interview etc., All such grounds may be personal grounds. However, leniency or misplaced sympathy should not cause any infringement of right of all other selected candidates, who participated in the selection as per the Schedule and as per the terms and conditions of the Notification as well as the rules.

6.This being the legal principles to be followed, the writ petitioner has not made out any acceptable legal ground for the purpose of granting the relief as such sought for in the present

writ petition.

7.However, this Court wishes the writ petitioner to secure public employment through open competitive process during next occasion and on merits.

8.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairmen
Teachers Recruitment Board
4th Floor, EVK Sampath Maligai
Collage Road, Chennai - 600 006.

2.The Director,
Teachers Recruitment Board
DPI Complex, Chennai - 600 006.

+lcc to Mr.S.Sundaresan, Advocate, S.R.No.17477

+lcc to the Government Pleader, S.R.No.18919

W.P.No.5161 of 2019

SSV(CO)

RRS (02/04/2019)

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