

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :12-02-2019

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

W.P.No.5710 of 2018
And
W.M.P.Nos.7055 and 7056 of 2018

G.Bhuvaneswari

..Petitioner

- Vs. -

- 1.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai-6.
- 3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road,
Nungambakkam,
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 respondents to issue an appointment order to the petitioner as a Secondary Grade Teacher based on the representation of the petitioner dated 14.7.2017.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mr.A.Raja Perumal,
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to issue an order of appointment to the writ petitioner as a Secondary Grade Teacher based on the representation submitted by the writ petitioner on 14.7.2017.

2. The said representation of the writ petitioner is enclosed in page No.21 of the typed set of papers filed along with the writ petition.

3. The writ petitioner states that she participated in the process of selection for recruitment to the post of Secondary Grade Teacher during the year 2013 and she secured 92 marks. Subsequently, the writ petitioner participated in the process of Certificate Verification also. In spite of that, no appointment order has been issued by the respondents by adding weightage. Thus, the writ petitioner is constrained to move the present writ petition.

4. Even at the time of filing of the present writ petition, the writ petitioner was aged about 53 years. Thus, the writ petitioner seeks an order of appointment.

5. This Court is of an opinion that the appointment can never be claimed as a matter of right. Mere participation in the process of selection or in the process of certificate of verification would not confer any right on the writ petitioner seeking an order of appointment. All appointments are to be made strictly in accordance with the Recruitment Rules in force.

6. As far as the present writ petition is concerned, the counter affidavit filed on behalf of the third respondent, in paragraphs 4, 5, 6 and 7, reads as under:-

"4. It is submitted that the petitioner appeared Teacher Eligibility Test 2013 Paper I and secured 92 marks, she was called for Certificate Verification for the post of Secondary Grade Assistant based on the marks secured in Teacher Eligibility Test Paper I.

5. It is further submitted that the Board considered the petitioner for selection in the 2013 recruitment. The petitioner belongs to BC category. Based on the total weightage marks, the last candidate selected in BC (G) is 75.43 and BC (W) 75.42. The last candidate cut off in BC (G) Tamil Medium is 75.40, BC (W) Tamil Medium is 75.39. The petitioner's total weightage mark is only 67 as per G.O.(Ms.) No.71, School Education (TRB) Department, dated 30.5.2014. Since the petitioner has not secured eligible cut off marks she was not considered for selection for the post of Secondary Grade Assistant.

6. It is submitted that the Board issued provisional selection for the

vacancies notified and all the vacancies notified were filled.

7. It is submitted that the Board completed the selection process and all vacancies notified are filled. The Board also conducted subsequent Teacher Eligibility Test Paper I on 29.4.2017."

7. In view of the reasons stated in the aforementioned paragraphs in the counter-affidavit of the third respondent, this Court is of an opinion that the writ petitioner has not secured the eligible cut off marks and she was not even shown any consideration for appointment to the post of Secondary Grade Teacher Assistant.

8. This being the factum of the case, the present writ petition is devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,Nungambakkam,
Chennai-6.
- 3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road,Nungambakkam,
Chennai-600 006.

+1cc to Mr.Ln.V.Kasinatha Bharathi, Advocate, S.R.No.12542
+1cc to the Government Pleader, S.R.No.12870

W.P.No.5710 of 2018

PP(CO)
rrs 26/03/2019