

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2019

CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3884 of 2018

M.Indra

...Petitioner

Vs

1. The Secretary,
State of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai-600 009.
2. The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai-600 006.
3. The Tahsildar,
Vellore Taluk, District Collectorate,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 23.04.2014 in Rc.No.5670/B2/2011 of the 2nd respondent herein and quash the same and direct the 2nd respondent to forthwith appoint the petitioner as Graduate Assistant in accordance with her employment seniority and under the Inter Caste Marriage Priority Category.

For Petitioner : M/s.AL.Ganthimathi

For Respondent 2 : Mr.A.Raja Perumal
Addl. Government Pleader

for R1 and R3 Mr.D.Suriya Narayanan, AGP

O R D E R

The order impugned dated 23.04.2014 rejected the claim of the writ petitioner to appoint her to the post of Graduate Assistant based on the certificate verification done during the recruitment year 2009-2010 is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that she registered her name in the employment exchange at Vellore, on 09.07.1993, and the writ petitioner claims that she is qualified for the appointment to the post of Graduate Assistant, pursuant to her employment registration State seniority, and respondent called her for certificate verification for the appointment to the post of Graduate Assistant.

3. The writ petitioner states that the process of certificate verification had been concluded during the recruitment year 2009-2010. However, the writ petitioner was not appointed during the relevant point of time. Thereafter, the writ petitioner filed WP.No.22092 of 2011 and this Hon'ble Court passed an order on 22.11.2012, directing the respondents to consider the case of the writ petitioner. Pursuant to the orders passed by this Court in WP.No.22092 of 2001, the Member Secretary, Teachers Recruitment Board passed the orders on 23.04.2014, stating that the case of the writ petitioner cannot be considered and accordingly, the claim of the writ petitioner was rejected. Challenging the said order dated 23.04.2014, the present writ petition is filed by the writ petitioner on 06.02.2018, after a lapse of about 4 years from the date of passing of the impugned order.

4. First of all, the writ petition is liable to be rejected on the ground of laches. In view of the fact that the writ petitioner pursued the matter during the year 2011 and this Court passed an order on 22.11.2012 in WP.No.22092 of 2011. Based on the orders of this Court, the respondents also passed an order of rejection on 23.04.2014. Thus, the writ petition ought to have been filed within a reasonable period of time. The facts remains that , the present writ petition is filed on 06.02.2018 after a lapse of 4 years, from the date of passing of the impugned order.

5. This apart, the writ petitioner claims appointment based on the certificate verification done during the recruitment year 2009-2010, 2010-2011 for the post of Graduate Assistant. Subsequently, the qualifications, the process of selection were underwent many changes. The passing of Teachers Eligibility Test became mandatory and now the selection for appointment to the post of Graduate Assistant is being done by the Teachers Recruitment Board by conducting an open competitive process. In view of the fact that, selection process underwent many changes and the writ petitioner was not appointed during the relevant point of time. Now after the lapse of more than 8 years from the date of certificate verification, the claim of the writ petitioner for appointment to the post of Graduate Assistant cannot be considered and the writ petitioner has to participate in open competitive process for the purpose of securing public

employment, more specifically, appointment to the post of Graduate Assistant or otherwise.

6. Appointment can never be claimed as a matter of right. All appointments are to be made by following the procedures contemplated under the recruitment rules. The writ petitioner was not appointed and she participated only in the certificate verification process. Mere participation or the Certificate verification would not confer legal right to the writ petitioner to claim appointment by filing a writ petition before the Hon'ble High Court.

7. This being the principles to be followed, the writ petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Pkn

To

1.The Secretary,
State of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai-600 009.

2.The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai-600 006.

3.The Tahsildar,
Vellore Taluk, District Collectorate,
Vellore District.

+1cc to M/s.AL.Ganthimathi, Advocate, S.R.No.11143
+1cc to the Government Pleader, S.R.No.11879

W.P.No.3884 of 2018

SAI (CO)

rrs 19/03/2019