

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.04.2019

CORAM

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

W.P.No.10112 of 2019

and

W.M.P.Nos.10677 & 10680 of 2019

P.Vasantham

.. Petitioner

..vs..

- 1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Salai,
DPI Campus, College Road,
Chennai - 600 006
- 2.The Additional Secretary(Tech)
Office of the Director of Government Examinations,
Chennai - 600 006
- 3.Ms.Gomathi(Roll No.17ST32020895)
Father name and address is not known to the Petitioner,
C/o.Teachers Recruitment Board,
4th Floor, EVK Sampath Salai
DPI Campus, College Road, Chennai - 600 006.
- 4.Ms.Gayathri Devi(Roll No.17ST32020257)
Father name and address is not known to the Petitioner,
C/o.Teachers Recruitment Board,
4th Floor, EVK Sampath Salai
DPI Campus, College Road, Chennai - 600 006.
- 5.Ms.Arularasi(Roll No.17ST26020026)
Father name and address is not known to the Petitioner,
C/o.Teachers Recruitment Board,
4th Floor, EVK Sampath Salai
DPI Campus, College Road, Chennai - 600 006.
- 6.Ms.Maheswari(Roll No.17ST26020116)
Father name and address is not known to the Petitioner,
C/o.Teachers Recruitment Board,
4th Floor, EVK Sampath Salai
DPI Campus, College Road, Chennai - 600 006.

7.Ms.Poongodi(Roll No.17ST25020503)

Father name and address is not known to the Petitioner,
C/o.Teachers Recruitment Board,
4th Floor, EVK Sampath Salai
DPI Campus, College Road,
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 consider the claim of the petitioner seeking the appointment to the post of drawing teacher in pursuance to the notification No.05/2017 dated 26.07.2017 issued by the respondent in the reserved category(Persons studied in Tamil Medium-PSTM) (BCWT) and to consider the petitioner to the post.

For petitioner : Mr.Ilamurugu G.

For Respondent : Mr.C.Munusamy
Special Government Pleader
for R1

M/s.V.Annalakshmi
Government Advocate for R2

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondent to consider the claim of the petitioner seeking the appointment to the post of drawing teacher in pursuance to the notification No.05/2017 dated 26.07.2017 issued by the respondent in the reserved category(Persons studied in Tamil Medium-PSTM) (BCWT) and to consider the petitioner to the post.

2. The writ petitioner has admittedly passed her SSLC Course and the Higher Secondary Course (+ 2 Course). She had undergone the Technical Qualification namely Higher Examination in Free Hand Outline and Model Drawing in November 2005 and she had also completed Technical Teacher's Certificate in Free Hand Outline and Model Drawing through Tamil Medium. Accordingly, the writ petitioner is eligible and qualified for appointment to the post of Special Teacher for Drawing.

3. The grievances in short addressed by the writ petitioner before this Court is that she had submitted her online application, pursuant to the recruitment notification issued by the Teachers Recruitment Board on 26.07.2017. The online application provides separate column in respect of the

qualifications acquired by her. As far as the medium of instruction is concerned, the same is provided against the column meant for SSLC and HSC / Equivalent. However, there is no separate column provided in respect of the qualifications of Technical Education. In other words, there is no column indicating the medium of instruction is provided in respect of the qualifications prescribed for recruitment to the post of Special Teacher for Drawing.

4. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner had undergone courses in Free Hand Outline and Model Drawing, by writing examinations in Tamil Medium. This apart, the writ petitioner had indicated in the online application that she had studied in Tamil Medium and therefore, entitled to avail the quota prescribed for the persons studied in Tamil Medium (20% quota). However, the writ petitioner had not produced the certificates in respect of the Higher Grade Technical Examinations showing that she had undergone the Course in Tamil Medium.

5. The learned counsel for the writ petitioner solicited the attention of this Court that no such certificate was issued to the writ petitioner at the time of passing of Technical Examination nor the medium of instructions are indicated in the certificate issued by the Director of Government Examinations. Under these circumstances, the petitioner had submitted application before the Director of Government Examinations to issue certificate in respect of the medium of instructions for the courses of Drawing. The Director of Government Examinations issued a reply letter by stating that the "this department is conducting Technical Examinations to private candidates only, for Government Technical Examination, no training is conducted by this Department. Hence, required certificate is unable to issued to the candidate".

6. The position is confirmed by the learned Special Government Pleader by stating that no such certificate was issued by the Director of Government Examinations, as the same are unable to be issued, for want of records.

7. The peculiar circumstances now arises that though the writ petitioner had undergone the Higher Grade Examinations in Free Hand Outline and Model Drawing through Tamil Medium, she is not in a position to get certificate from the Director of Government Examinations. Thus, she has stated in her online application that she had opted Tamil Medium for undergoing the Higher Grade Examinations. This apart, during the certificate verification process also, the writ petitioner has stated that she has studied in Tamil Medium and she is entitled to avail the quota allotted for persons studied in Tamil Medium.

8. The next question arises is, whether the writ petitioner can produce the certificate, if any granted by the private institutes which all are conducting Drawing courses. Thus, the Private Institutions may not be in a position to issue such certificates or would have been closed by this time. This apart, such Private certificates, if at all issued by unrecognized private institutes, the same cannot be trusted upon, as the same will create doubts as far as the genuinity is concerned. The Private Institute, if issued any certificate and such certificates are taken for the purpose of providing public employment, the said procedure cannot be accepted, in view of the fact that there is a possibility of tampering of issuance and production of false certificates. This apart, if the Higher Grade Examinations are undertaken by the private candidates even without undergoing any training in any of the institutes, there is a possibility of issuance of certificates, such circumstances are also possible. The course being technical one and the certificate course. Any person who has the knowledge of Drawing or Sewing and Needle works can participate in the lower or higher grade examinations. Under these circumstances, the private candidates may not be in a position to get such certificates from the Private Institutes. If such candidates are produced such certificates necessarily, they have to obtain certificates from the private institutes by paying some amount or by getting false certificates. Therefore, such a scheme, if approved, will create lot of anomalies and will lead to corrupt practices and therefore, it cannot be approved. In the event of producing such certificates to be issued by the Private Institutes for the purpose of considering the candidates under the quota allotted for the persons studied in Tamil Medium, it will lead to corrupt practices. Thus, the said procedure now contended by the respondent cannot be the best one or full proof.

9. Under these circumstances, a pragmatic approach is to be adopted for the purpose of balancing the issues as well as in the matter of extending the quota for the persons who studied in Tamil Medium.

10. Admittedly, the writ petitioner has submitted the online application stating that she is eligible to avail the quota allotted for the persons studied in Tamil Medium. Even during the certificate verification, she has stated that she has studied in Tamil Medium. As far as the application form is concerned, the medium of instruction is provided only against the column provided for SSLC and HSC/Equivalent. As far as the Technical Education column is concerned, no medium of instruction is provided. Thus, the respondent cannot now direct the candidate to secure the certificate from the Director of Government

Examinations, who in turn refused to give such certificates, on account of the fact that those options are not available with the office of the Director of Examinations.

11. Under these circumstances, this Court is of an opinion that as per the online application, the Authorities Competent are bound to verify the medium of instructions in respect of SSLC and HSC / Equivalent. As far as the Technical qualification of Higher Grade Examinations are concerned, the candidates can be considered based on their declaration and based on the certificate verification done by the Competent Authorities at the time of the selection process. However, such undertaking and the statement given by the candidates during the certificate verification process can be verified and scrutinized by the Competent Authorities with the Director of Government Examinations or with any other authorities, if necessary.

12. It is made clear that in the certificate verification form, if any candidate has not opted the medium of instructions, such candidates are not eligible to avail the quota allotted for the persons studied in Tamil Medium. If any of the candidate have not stated that he/she has studied in Tamil Medium, then such candidates are not eligible for the quota as the persons studied in Tamil Medium. In respect of all other candidates who have opted the Tamil quota both in the online application as well as in the certificate verification process in the prescribed format, those candidates can be considered in the PSTM quota and accordingly, the respondent is directed to consider the case of the writ petitioner by verifying the online application as well as in certificate verification in the prescribed format and thereafter, redraw the selection list by providing the quota allotted to the person studied in Tamil Medium and thereafter, finalize the selection list and appoint the candidates, by following the procedures.

13. Accordingly, this writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Salai,
DPI Campus, College Road,
Chennai - 600 006

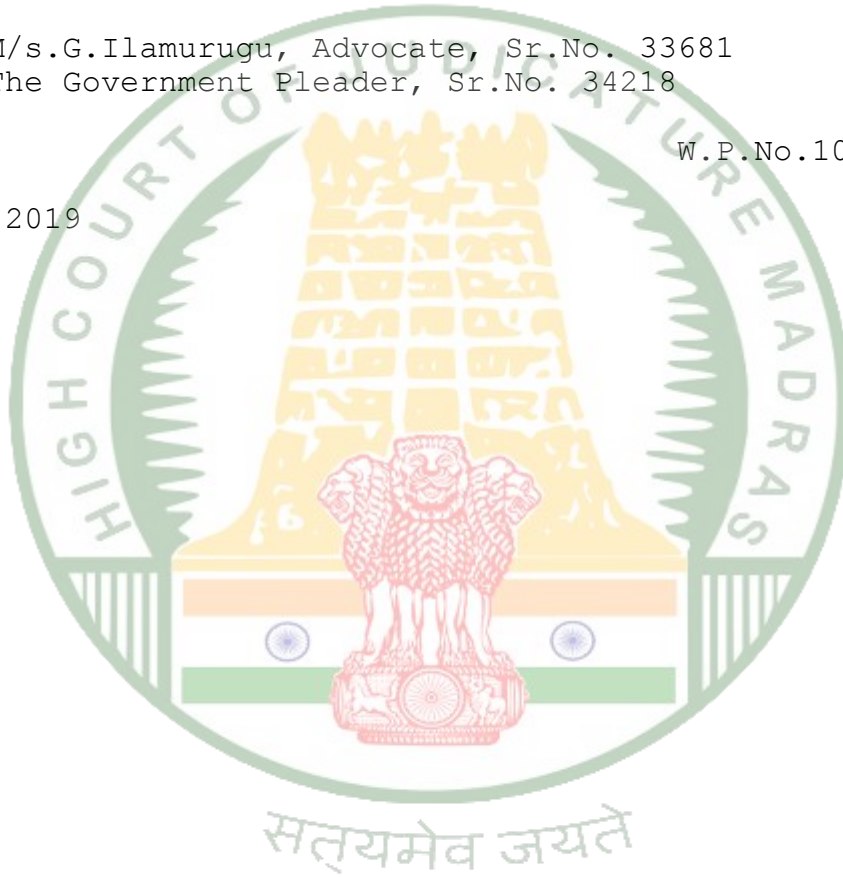
2.The Additional Secretary(Tech)
Office of the Director of Government Examinations,
Chennai - 600 006.

+1 cc to M/s.G.Ilamurugu, Advocate, Sr.No. 33681

+1 cc to The Government Pleader, Sr.No. 34218

W.P.No.10112 of 2019

PPA(CO)
CSL/14.05.2019



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