

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 297 of 2018
and
C.M.P. No. 2256 of 2018

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
DPI Campus,
College Road,
Chennai - 600 006.
2. The Director of Collegiate Education,
DPI Campus,
Chennai - 600 006. Appellants/Respondents

-vs-

T. Nedumaran Respondent/Petitioner

PRAYER : Writ Appeal filed under Clause 15 of Letter Patent, praying to set aside the order passed by this Court in W.P. No. 34844 of 2013 dated 05.12.2017.

Prayer in W.P.No.34844 of 2013:-

Petition filed under Article 226 of the Constitution of India, Writ of Mandamus directing the 1st respondent to award appropriate marks for Teaching Experience to the petitioner (Regn. No.1627534) by considering the Teaching Experience gained by the petitioner from 1.9.2003 onwards for selection to the Post of Assistant Professor in business Administration based on the Notification/ Prospectus issued by 1st respondent Teacher Recruitment Board dated May 2013 for direct recruitment of Assistant Professor in Tamil Nadu Collegiate Education Service in 2012 and consequently direct the 1st respondent to allow the petitioner to undergo the process of selection including Interview and to select and appoint the petitioner to the post of Assistant Professor in Business Administration based on merits in the selection.

For Appellants : Mr. C. Munusamy,
Special Government Pleader

For Respondent : Mr. G. Sankaran

J U D G M E N T

(Judgment of the Court was delivered by P.D. AUDIKESAVALU, J.)

The intra-Court appeal arises out of the order dated 05.12.2017 in W.P. No. 34844 of 2013 passed by the Learned Judge of this Court. The parties are hereinafter referred to as per their description in the Writ Petition for the sake of convenience.

2. The Petitioner had applied for the post of Assistant Professor in Tamil Nadu Collegiate Educational Service conducted by the Teachers Recruitment Board in May 2013 and he was awarded 30 out of 34 marks, while the marks obtained by the last candidate selected in Backward Class (B.C.) category to which the Petitioner belongs, was 31 marks. Complaining that he ought to have been awarded 31 marks, he had filed W.P. No. 34844 of 2013 and the Learned Judge, who heard the Writ Petition, by order dated 15.12.2017 accepted the contentions of the Petitioner and allowed the Writ Petition and directed that the total score of the Petitioner has to be taken as 31 out of 34 marks and it was directed to consider the name of the Petitioner for appointment to the post of Assistant Professor in Business Administration within a period of four weeks from the date of receipt of copy of that order. Aggrieved thereby, the Respondents have preferred this appeal.

3. We have heard Mr. C. Munusamy, Learned Special Government Pleader appearing on behalf of the Respondents, Mr. G. Sankaran, Learned Counsel appearing for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.

4. Though the main contention of the Respondents is that the aforesaid increase from 30 to 31 of the marks of the Petitioner ought not to have been granted by the Learned Judge, it is also highlighted that in any event, the Petitioner cannot be selected even if he was granted the total score of 31 out of 34 marks. In this regard, it has been shown before this Court that as per the extant instructions, the merit of the competing candidates securing the same marks would be arranged in the order of their date of birth, meaning thereby that a person older in age would be ranked higher than the person born after him, and in that order of ranking, the list of candidates belonging to the B.C.

category who had secured 31 marks is as follows:-

S. No.	Roll No.	Name	Sex	Community	Date of Birth	EQ	TE	IM	Total
1.	13AP1616218	Poongodi P.	F	BC	25.10.1972	9	14	8	31
2.	13AP1615404	Latha Natarajan M.	F	BC	26.05.1973	9	14	8	31
3.	13AP1606820	Maheswari B.	F	BC	13.06.1973	9	14	8	31
4.	13AP1627534	Nedumaran T. (Petitioner)	M	BC	11.07.1973	9	15	7	31

It is not disputed that the last seat has to be allotted to the candidate, viz., Poongodi P., and there are two other candidates above the Petitioner and as such, it is not possible to declare the Petitioner as the successful candidate even if he is awarded 31 out of 34 marks. The submissions made on behalf of the Respondents in this regard certainly deserve acceptance.

5. In view of the aforesaid factual matrix, it would suffice to dispose this appeal on that sole ground and we have not examined or expressed any view on the correctness or otherwise of the findings of the Learned Judge, increasing the total score of the Petitioner from 30 to 31 out of 34 marks, in the order under appeal.

6. In fine, it is declared that the Petitioner is not entitled to be selected for the post of Assistant Professor in the recruitment conducted by the Teachers Recruitment Board in May 2013 and the Writ Appeal is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

vjt
To

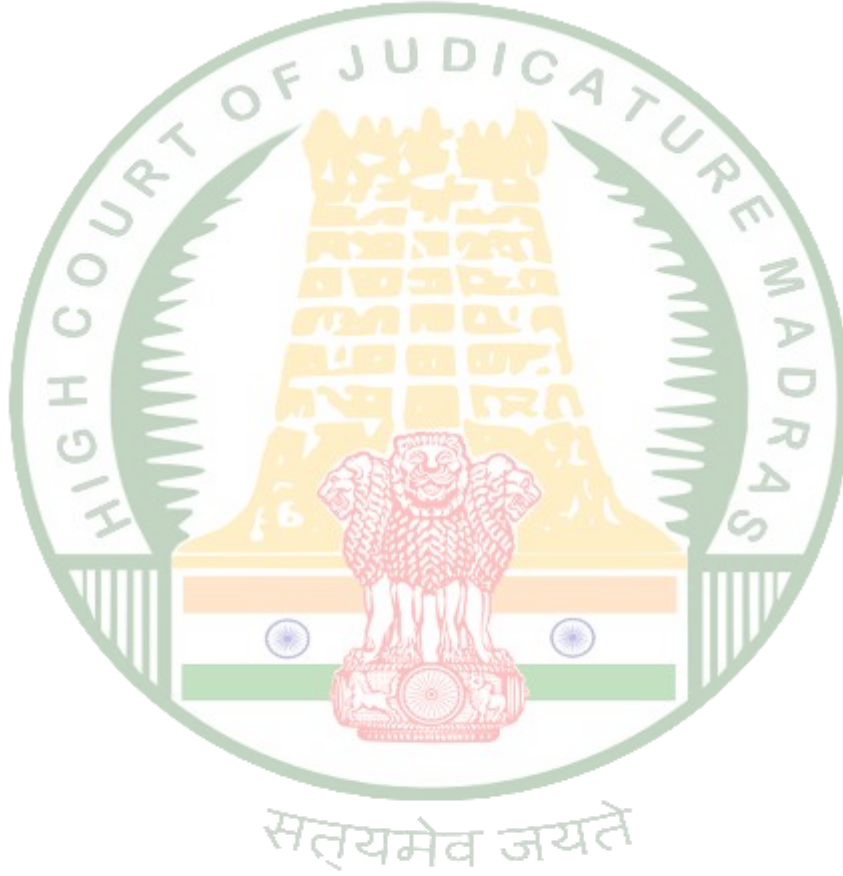
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+1 cc to Mr.G.Sankaran, Advocate Sr.No.16787
+1 cc to The Government Pleader, Sr.No.16081

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PVS (CO)
CSL/11.03.2019



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