

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

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THE HONOURABLE MR. JUSTICE **V.PARTHIBAN**

W.P.No.15429 of 2019
& WMP.No.15381 of 2019

A.P.Selva Prabhu .. Petitioner

Vs.

The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Maligai,
D.P.I.Campus,
College Road,
Chennai-600 006 .. Respondent

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to accept the application of the petitioner for the Direct Recruitment of Computer Instructor Grade-I for the year 2018-2019 and permit the petitioner to appear for the examination scheduled to be held on 23.06.2019.

For Petitioner .. Mr.P.Kannankumar
For Respondents .. Mr.C.Munusamy, Spl G.P

ORDER

This writ petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the respondent to accept the application

of the petitioner for the Direct Recruitment of Computer Instructor Grade-I for the year 2018-2019 and permit the petitioner to appear for the examination scheduled to be held on 23.06.2019.

2. According to the petitioner, he has completed his S.S.L.C. in the year 1999 and Higher Secondary Education in the year 2002. Thereafter, he completed his under graduation course in Computer Science at Karuppannan Mariappan College, Muthur under Bharathiyar University, Coimbatore in the year 2005. Thereafter, the petitioner has completed his Masters degree in Computer Science in the same college in the year 2007. Subsequently, he joined B.Ed. Course in Tamil Nadu Teachers Education University, Chennai and successfully completed the same in the year 2010. The petitioner belonging to Most Backward community.

3. According to the petitioner, he has been working as Teacher in a private management school. The respondent issued a notification No.9/2019 dated 01.03.2019 inviting applications through On-line for the post of Computer Instructor, Grade -I in School Education Department for the year 2018-2019. The estimated vacancies notified are 814. The last date for submission of applications through On-line

mode was 10.04.2019 upto 5.00 p.m.

4. According to the petitioner on 10.04.2019, after collecting all the required particulars, he attempted to apply through On-line mode by visiting local computer Centre located nearby his village. Unfortunately, according to the petitioner the server of the respondent did not respond and failed to accept the details uploaded by the petitioner. According to the petitioner, he continuously tried uploading the details till 5.00 p.m. But, due to technical error, the server could not respond and ultimately, the petitioner could not apply through On-line before the dead line. The petitioner immediately sent a representation on 11.04.2019 to the respondent requesting to accept his application and permit him to attend the examination. However, as no reply is forthcoming, the petitioner is before this Court seeking for a direction to the respondent to accept his application for the post of Computer Instructor, Grade I.

5. Heard, Mr.P.Kannankumar, the learned counsel appearing for the petitioner and Mr.C.Munusamy, learned Special Government Pleader, who takes notice for the respondent.

6. The learned counsel for the petitioner would vehemently contend that despite best efforts made by the petitioner, he could not upload the application through On-line in view of the technical error i.e., in the view of non-responding of the server of the respondent.

7. According to the learned counsel for the petitioner, the petitioner would lose his valuable right to be considered for appointment to the post of Computer Instructor, Grade -I in School Education Department since he is already 35 years old as of now and he would never get a chance in future for appointment in public service.

8. At this, the learned Special Government Pleader appearing for the respondent Board would submit that it is the fault of the petitioner having tried to upload the On-line application on the last date. He would further submit that had the petitioner tried on earlier occasions he could have been successful, in case the server did not respond on any particular date.

9. According to the learned Special Government Pleader, that if this Court directs the respondent to accept the application of the

petitioner, it will open the flood gates and that many more candidates, who were not cared to apply, would come to this Court and in which event, the Board, will not be in a position to accommodate them as the examination for the selection is scheduled to be held on 23.06.2019.

10. Although there is some force in the submissions made by the learned Special Government Pleader, this Court feels that though the petitioner tried to up-load the application form on the last date of submission of the application and due to non responding of server of the respondent, he could not successfully upload the same and since the petitioner is on the verge of being not eligible in view of his present age, in order to give the benefit of doubt to the petitioner, the writ petition is disposed of with the following directions:

(i) The petitioner is directed to submit his application form with required particulars on 20.06.2019 to the respondent office during the working hours.

(ii) The respondent is thereafter directed to accept the application form along with required particulars of the petitioner to the post of Computer Instructor, Grade I, for which, examination is scheduled to be held on 23.06.2019.

(iii) Such an application being made and the same is otherwise

in order, the respondent Board is directed to permit the petitioner to appear for the examination to be held on 23.06.2019.

11. The writ petition is disposed of, with the above directions.
No costs. Consequently, connected miscellaneous petition is closed.

19.06.2019

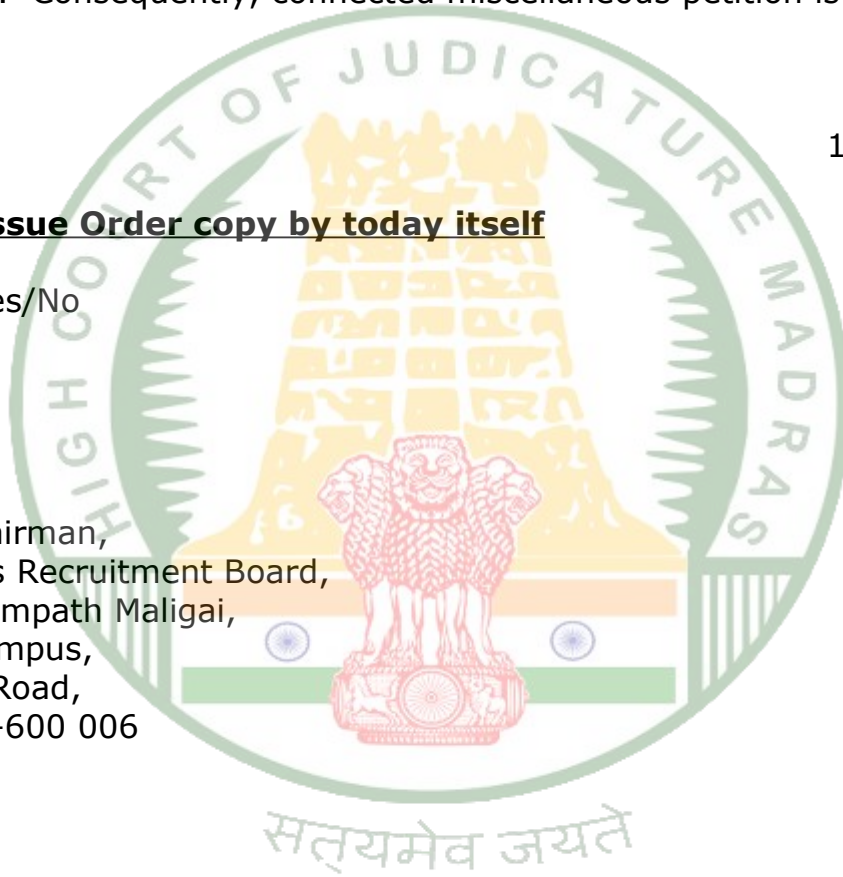
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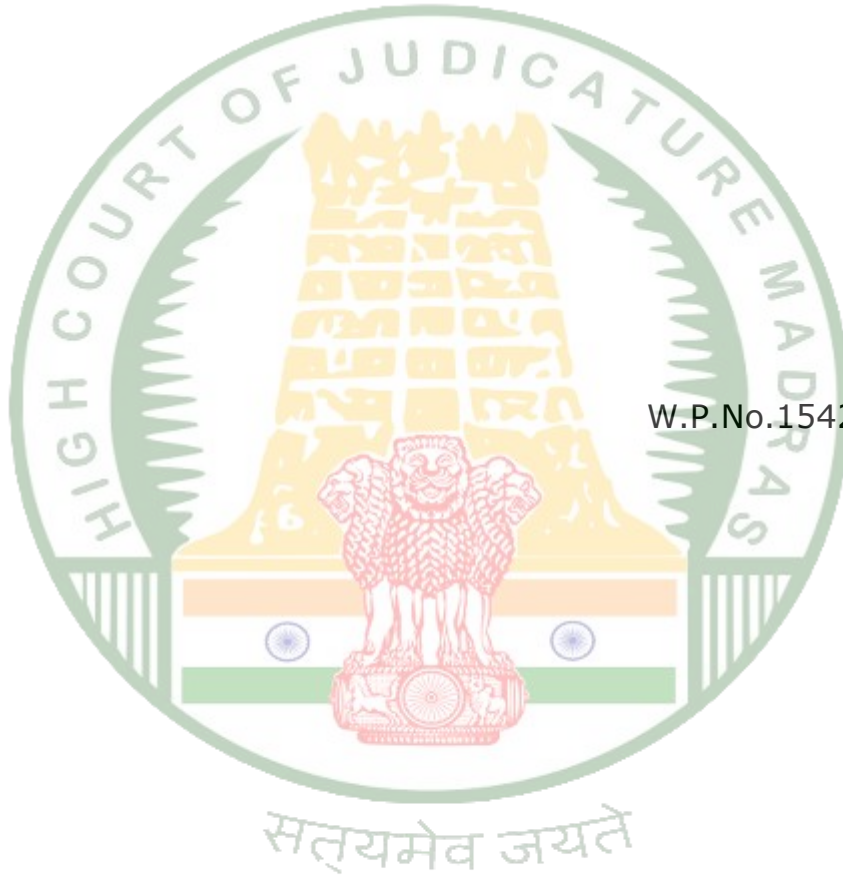
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V.PARTHIBAN, J.

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