

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.06.2019

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.15797 of 2019
and
W.M.P.No.15620 of 2019

R.Ghunasekaran

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by Secretary to Government,
Law Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director,
Directorate of Legal Studies,
Purasawalkkam High Road,
Kilpauk, Chennai-600 010.
3. The District Collector,
Coimbatore District,
Coimbatore-641 018.
4. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.
5. The Registrar,
Tamil Nadu Dr.Ambedkar Law University,
Raja Annamalaipuram,
Chennai-600 028.
6. The Principal,
Government Law College,
Coimbatore-641 046.
7. The Tahsildar,
Coimbatore (South),
Coimbatore-641 018.

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the official respondents to conduct a proper enquiry to identify the originality of the Community Certificate bearing No.5033379, dated 09.06.2010 produced by the eighth respondent (Roll No.18LC02045) for the purpose of selection to the post of Assistant Professor in the subject of Business Law and consequently directing the official Respondents to select and appoint the petitioner (Roll No.18LC02044) to the post of Assistant Professor in the subject of Business Law under Most Backward Class (MBC) category in pursuance of the Notification No.2/2018, dated 18.07.2018 issued by the fourth respondent, within a time frame to be fixed by this Court.

For petitioner : Mr.G.Sankaran

For respondents : Mr.V.Shanmuga Sundar,
Spl.G.P. for RR-1,3 and 7
Mr.S.Suresh Kumar,
Govt. Advocate for RR-2, 4 and 6
Mr.P.Saravanan Sowmiyan for R-8
Mr.V.Vasantha Kumar for R-5

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the official respondents to conduct a proper enquiry to identify the originality of the Community Certificate bearing No.5033379, dated 09.06.2010 produced by the eighth respondent (Roll No.18LC02045) for the purpose of selection to the post of Assistant Professor in the subject of Business Law and consequently direct the official Respondents to select and appoint the petitioner (Roll No.18LC02044) to the post of Assistant Professor in the subject of Business Law under Most Backward Class (MBC) category in pursuance of the Notification No.2/2018, dated 18.07.2018 issued by the fourth respondent, within a time frame to be fixed by this Court.

2. Though very many contentions have been raised in this Writ Petition, the sum and substance of the case of the petitioner is that the petitioner belongs to Most Backward Class (MBC) Community and qualified with B.C.S. (Corporate Secretaryship) in 2001 from Sri Amman Arts and Science College, Erode, B.L. in 2005 from Central Law College, Salem and enrolled as an Advocate in the Bar Council of Tamil Nadu in the

year 2006 and M.L.(Business Law) in 2009 from the Tamil Nadu Dr.Ambedkar Law University, Chennai and passed in State Eligibility Test (SET) in August 2011. He had been working as a Guest Lecturer in Government Law College, Coimbatore from January 2010 onwards. He is fully qualified for the regular appointment to the post of Assistant Professor in the subject "Business Law" in Government Law College Services. While so, the fourth respondent-Teachers Recruitment Board (TRB) issued Notification for direct recruitment to the post of Assistant Professor in the subject of Business Law in Government Law Colleges in the year 2017-2018, vide Notification dated 18.07.2018 bearing Notification No.2/2018. The petitioner had participated in the written examination conducted on 13.10.2018 and performed well. The petitioner also attended the interview conducted on 27.02.2019. The results for provisional selection list was published on 14.05.2019. As per the results, the petitioner found that the eighth respondent had been selected to the post of Assistant Professor in the subject of Business Law under MBC reserved category. It is the further averment of the petitioner that he is eligible for selection to the post of Assistant Professor in the subject of Business Law under the MBC category. The eighth respondent belongs to 'Thoraiyar' Community, which is classified as Backward Class (BC). The eighth respondent produced Community Certificate (Certificate No.5033379), dated 09.06.2010 issued by the Zonal Deputy Tahsildar, Coimbatore Zone, Coimbatore that he belongs to MBC Community. Hence, as on date of issuance of the Community Certificate, dated 09.06.2010, the Community of "Thoraiyar" had been classified only as BC Community as per the Gazette Notification, dated 08.04.2010, amending Part-I and Part-II of the Tamil Nadu State and Subordinate Service Rules. On finding the discrepancy in the Community Certificate produced by the eighth respondent, the petitioner submitted a representation to the official respondents and the other Government authorities to take into consideration the fabricated Community Certificate produced by the eighth respondent and take necessary action for the same and consequently select the petitioner to the post of Assistant Professor in the subject of Business Law, for which the petitioner is qualified on merits in the selection conducted by the TRB. Last of such representation is dated 20.05.2019 addressed to the official respondents. Since the said representation is still pending, the petitioner has preferred the present Writ Petition for the relief stated supra.

3. Today, when the Writ Petition is taken up for consideration, the learned Government Advocate, appearing for the respondents 2, 4 and 6, on instructions, submitted that the second respondent/Director of Legal Studies, had issued proceedings in Rc.No.1625/A4/2019, dated 26.06.2019 addressed to the Principal (i/c), Government Law College, Coimbatore, stating that the Principal (i/c) of the Government Law College,

Coimbatore had been directed to verify the authenticity of the Community Certificate bearing No.5033379, dated 09.06.2010 produced by Thiru.M.Pranov Vishnu Arjun (eighth respondent) for the purpose of selection to the post of Assistant Professor in the subject 'Business Law' by sending a copy of the said Community Certificate to the concerned Revenue Authority who had issued the Certificate immediately and send the authenticity report to the Office of the Directorate of Legal Studies at the earliest.

4. Since now it is represented that necessary action had been taken to verify the genuineness of the Community Certificate of the eighth respondent, no further orders are necessary. Recording the above contents of the letter issued by the Director of Legal Studies, this Writ Petition is closed. No costs. Consequently W.M.P. is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

cs

To

1. The State of Tamil Nadu
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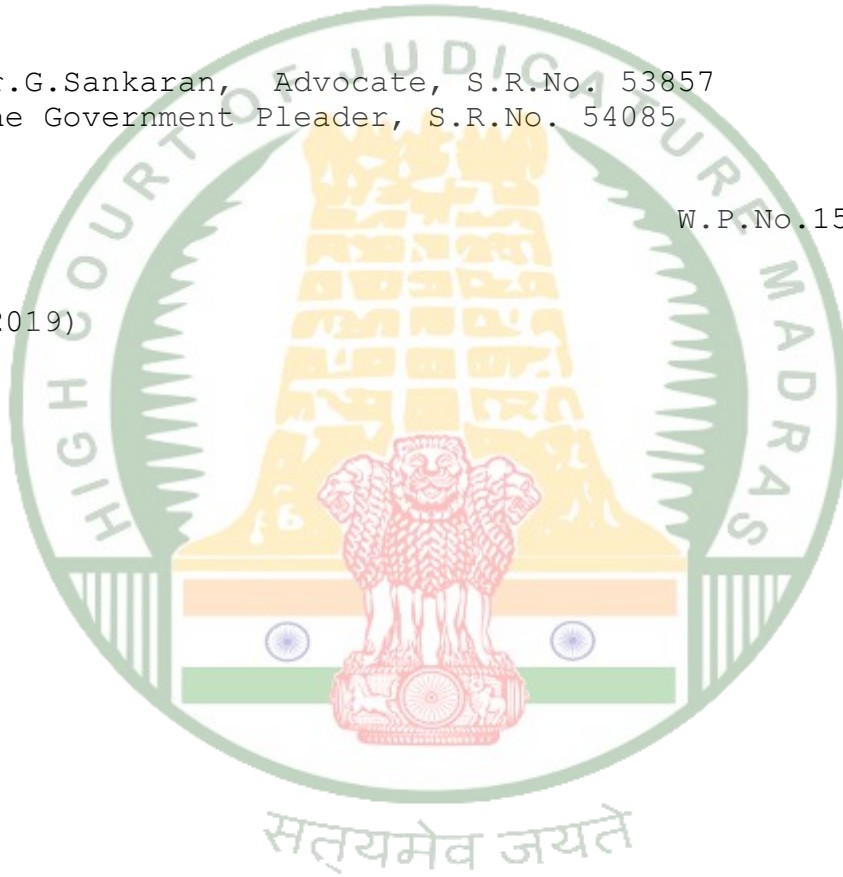
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Coimbatore-641 018.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 53857
+1cc to the Government Pleader, S.R.No. 54085

W.P.No.15797 of 2019

PVS (CO)
GN(29/07/2019)



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