

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27745 of 2019

J.Prakash

.. Petitioner

-vs-

- 1.The Director,
Teachers Education Research &
Training Centre,
DPI Campus, College Road,
Chennai-600 006.
 - 2.Chief Educational Officer,
Education Department, Cuddalore.
 - 3.The District Educational Officer,
Educational Department, Cuddalore-1.
 - 4.The District Elementary Educational Officer,
Education Department, Cuddalore.
- ... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.9781/A3/2018 dated 13.05.2019 and quash the same and consequently direct the authorities concerned to appoint the petitioner as Secondary Grade Teacher in any of the available vacancy in the Panchayat Union School or any other Government School as per the previous norms fixed by the Government.

For Petitioner : Mr.A.G.Rajan

For Respondents : Ms.P.Kavitha,
Government Advocate

O R D E R

This writ petition has been filed by the petitioner to quash the order of the 2nd respondent, dated 13.05.2019 in

Na.Ka.No.9781/A3/2018 dated 13.05.2019, and consequently direct the authorities concerned to appoint the petitioner as Secondary Grade Teacher in any of the available vacancy in the Panchayat Union School or any other Government School as per the previous norms fixed by the Government.

2.Heard Mr.A.G.Rajan, learned counsel for the petitioner and Ms.P.Kavitha, learned Government Advocate for the respondents.

3.With consent, this writ petition is taken up for final disposal.

4.The case of the petitioner is that the petitioner is a Diploma Holder in Teachers Certificate issued by the Karnataka Secondary Education Examination Board. He underwent the above course for 2 years and passed in I class. Therefore, he registered his certificate in the Employment Office at Cuddalore. Since he had obtained mark in a particular subject below 50%, he applied for the Teacher Training Course Examination to be held in Tamil Nadu and appeared for the examination as a private candidate during the month of July 2004 and got through the examination. While so, the Employment Office, Cuddalore, sponsored the petitioner's name to the post of Secondary Grade Teacher at Panchayat Union Schools, since he happened to be a senior candidate. Therefore, he was asked to appear before the 4th respondent on 27.02.2008, for an interview as per the proceedings dated 14.03.2008. Accordingly, the petitioner appeared before the 4th respondent on the said date with all his original certificates. After verification, he was informed that he had been provisionally selected for the said post and was asked to get an Evaluation Certificate from the Government of Tamil Nadu, since he underwent the Diploma Course out of State. The Educational Department decided to select the eligible candidates on 1:1 ratio. As per the instructions of the 4th respondent, the petitioner made an application dated 03.03.2008, before the 1st respondent for Evaluation Certificate. The 1st respondent, vide his proceedings dated 12.08.2008, informed the petitioner that he is exempted from getting Evaluation Certificate as per the Government Order dated 21.02.2003. But to the shock of the petitioner, the 2nd respondent by his proceedings dated 15.02.2011, informed the petitioner that he did not produce the Evaluation Certificate in time and further stated that he was unaware of the order of the 1st respondent that Evaluation Certificate is not necessary.

5.The learned counsel for the petitioner would submit that at the time of certificate verification, the petitioner has not produced his Evaluation Certificate, thereby the petitioner was

directed to produce his Evaluation Certificate. Since the petitioner failed to produce the Evaluation Certificate within time, he was not given any posting order. Accordingly, the Chief Educational Officer passed an order dated 15.02.2011, rejecting the petitioner's request. Challenging the said order, the petitioner filed W.P.No.7366 of 2011 and this Court by order dated 09.01.2019, directed the respondents to consider the petitioner's case in the light of G.O.(Ms) No.168 (ID) School Education, dated 07.05.2008. Thereafter, the petitioner made a detailed representation as per the Court order on 16.03.2019. After considering the said representation, the impugned order was passed on 13.05.2019, wherein the request of the petitioner was rejected on the ground that the petitioner's request is barred by limitation. Further, the Government Order in G.O.(Ms) No.168, dated 07.05.2008 was not applicable, since the recruitment of the petitioner was already completed on 30.04.2008. Further, the recruitment of the Secondary Grade Teachers was completely changed and the task was given to the Teachers Recruitment Board. Challenging the impugned order dated 13.05.2019, the present writ petition has been filed.

6.The learned counsel for the petitioner would further submit that though the earlier impugned order dated 15.02.2011 was challenged before this Court and this Court directed the petitioner to make a detailed representation in order to avail the benefit of G.O.(Ms) No.168, however, in respect of the Government Order, the Chief Educational Officer passed the impugned order, which is contrary to the order of this Court and also unsustainable one. Accordingly, he prays for appropriate orders.

7.A perusal of the impugned order dated 15.02.2011, reveals that certificate verification was conducted on 27.02.2008 and the petitioner was directed to produce Evaluation Certificate to enable the respondents to pass orders. Since the petitioner has not produced his Evaluation Certificate, his selection was rejected. However, liberty was granted to the petitioner to participate in further selection process. Being not satisfied, the petitioner filed W.P.No.7366 of 2011 and this Court issued direction to the Government to pass appropriate orders in the light of G.O.(Ms) No.168 dated 07.05.2008. The earlier selection was completed on 27.02.2008, and G.O.(Ms) No.168 was issued on 07.05.2008, i.e., after the selection was over. Further, the petitioner has not produced any records before the concerned authority even in the year 2008. Hence, the said Government Order is not applicable to the case of the petitioner and further, as rightly stated in the impugned order, when the entire selection process was conducted and recruitment of teaching staffs were handed over to the Teachers Recruitment

Board, I am not inclined to interfere with the impugned order.

8. With the above observations, this writ petition stands dismissed. However, this order will not stand on the way of the petitioner to participate in the future selection process conducted by the Teachers Recruitment Board. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

abr
To

1. The Director,
Teachers Education Research &
Training Centre,
DPI Campus, College Road,
Chennai-600 006.
2. The Chief Educational Officer,
Education Department,
Cuddalore.
3. The District Educational Officer,
Educational Department,
Cuddalore-1.
4. The District Elementary Educational Officer,
Education Department, Cuddalore.

+1cc to Mr.A.G.Rajam, Advocate SR.85902
+1cc to the Government Pleader SR.86074.

W.P.No.27745 of 2019

LN(CO)
CB(27/11/2019)

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