

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

Writ Appeal No.3758 of 2019

1. Government of Tamil Nadu,
rep. by the Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai 600 009.
2. Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006. Appellants/Respondents

vs.

1. D.Dhayana
2. K.Kulandaivel
3. P.Vijayakumar
4. S.Gnanavel
5. K.Rohini Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the interim order dated 09.09.2019 in W.M.P.No.24643 of 2019 in W.P.No.25064 of 2019.

Prayer in W.P.No.25064 of 2019:

The Petition filed under article 226 of the Constitution of India to issue a Writ or order or direction in the nature of Writ of Declaration declaring that the Computer based On-line Examination conducted on 23.6.2019 and 27.6.2019 for the recruitment to the Post of Computer Instructors Grade-I (PG Grade) 2019 and its all further process pertaining to the Notification No.09/2019 dated 1.3.2019 issued by the 2nd respondent is null and void and consequentially conduct the said examination in Tamil also to the said recruitment without proceeding with any process of appointment based on the examination conducted on 23.6.2019 and 27.6.2019

For Petitioners : Mr.Vijay Narayan,
Advocate General
assisted by Mr.C.Munusamy,
Special Government Pleader

For Respondents : Mr.N.R.Elango, Senior
Counsel
for Mr.Neelakandan

J U D G M E N T

(Judgment delivered by M.M.SUNDRESH, J.)

This Writ Appeal has been filed by the Appellants, challenging the interim order dated 09.09.2019 passed by the learned Single Judge in W.M.P.No.24643 of 2019 in W.P.No.25064 of 2019, thereby preventing the Appellants from filling up 814 posts of Computer Instructors Grade-I (Post Graduate Cadre) for Tamil Nadu Higher Secondary Educational Service.

2. Learned Advocate General appearing for the Appellants submitted that, factually, the learned Single Judge was not correct in holding that, on an earlier occasion, the examination was conducted both in Tamil and English. The examination was conducted only once and that too, in English. Horizontal reservation for Tamil Medium candidates will not be applicable to the case of the private Respondents herein, who studied both in Tamil and English.

3. Learned Senior Counsel appearing for the private Respondents submitted that the Notification of the Teachers' Recruitment Board would exclude certain qualifications for the post, which is presently notified. The qualification prescribed for the present post has not been included. Therefore, the learned Single Judge took that into consideration.

4. We have some difficulty in deciding the issue raised, though, prima facie, we agree with the submissions made by the learned Advocate General. The learned Single Judge, in any event, ought not to have granted a blanket injunction. After all, there are only five persons before us. Learned Single Judge ought to have reserved five posts in the categories, which they are otherwise entitled to.

5. Taking note of the fact that it is only an interim order, which is under challenge, we are not inclined to go into the larger issue. The larger issue is left open. We modify the

order of the learned Single Judge to the effect that, the Appellants shall reserve five posts in the respective categories to the Respondents herein, which they are entitled to. The Appellants are at liberty to fill up the remaining posts.

6. We request the learned Single Judge to take up the Writ Petition and dispose of the same on its own merits, preferably within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Appeal is disposed of with the above direction. No costs. Consequently, connected C.M.P.No.23800 of 2019 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai 600 009.
2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006.
3. The Section Officer,
Writ Section (Posting)
High Court, Chennai.

+lcc to Mr.S.Prasana, Advocate Sr.98542
+lcc to the Government Pleader Sr.98914

Writ Appeal No.3758 of 2019

sr[co]
srg 09/01/2020