

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30624 of 2019

C.Shanmugan

.. Petitioner

Vs.

The Chief Educational Officer,
Chief Educational Office,
Erode District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to issue No Objection Certificate to the Petitioner enabling him to apply for jobs to Teachers Recruitment Board vide Notification No.12/2019 dated 27.08.2019 and 04.10.2019.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.C.Munusamy
Special Government Pleader
for (Edn)

O R D E R

This Writ Petition is filed for a direction to the respondent to issue No Objection Certificate to the petitioner by enabling him to apply for jobs to Teachers Recruitment Board vide Notification No.12/2019 dated 27.08.2019 and 04.10.2019.

2.The case of the petitioner is that the petitioner was appointed as Bachelor Teacher Assistant grade for Social Science in Government Boys Higher Secondary School, Kavindapadi in the month of September 2014 and deployed to Model Higher Secondary School, Pattimaniyakaranpalayam, Erode District on October 2015 as Social Science teacher for classes VI to X. While he was in service, the petitioner was implicated as an accused in F.I.R. bearing Crime No.304 of 2018 on the file of Inspector of Police, Nambiyur Police Station under Section 12 of POCSO Act and under Sections 506 (i) and 305 of IPC in related to the death of school student namely Hamsalatha. Departmental proceedings were

issued to the petitioner. Challenging the said F.I.R., the petitioner filed Criminal Original Petition before this Court in Crl.O.P.No.21060 of 2019 and this Court by the order dated 28.08.2019 granted interim stay. That being so, the petitioner is eligible to apply for Assistant Professor of Government college for vacancy called by the Teacher Recruitment Board vide Notification No.12/2019 dated 28.08.2019 and 04.10.2019. In order to participate in the examination, he has to submit No Objection Certificate as per Rule 16 of the Notification issued by the respondent. Therefore, the petitioner gave a representation on 16.10.2019 for the same and however, till date the same was not considered by the respondent. Hence, the petitioner has come out with the present Writ Petition.

3.The learned counsel for the petitioner would submit that it would be suffice to issue direction to the respondent to consider the representation sent by the petitioner dated 16.10.2019 and pass orders on the same.

4.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court hereby directs the respondent to consider the representation sent by the petitioner dated 16.10.2019 and pass orders on the same on merits and in accordance with law within a period of two weeks from the date of receipt of copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.
krk

//True Copy//

Sd/-
Assistant Registrar

Sub Assistant Registrar

सत्यमेव जयते

To

The Chief Educational Officer,
Chief Educational Office,
Erode District.

+1cc to Mr.B.Mohan, Advocate, SR.No.89579

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