

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.03.2019

Coram

The Honourable DR.JUSTICE ANITA SUMANTH

W.P. Nos.26646 of 2017
& W.M.P.No.28372 of 2017

M.Padmavathi

....Petitioner

/Vs/

1. The Secretary to Government
of Tamilnadu
Education Department,
Fort.St.George, Chennai-600009.
2. The Verification Officer,
Teachers Recruitment Board,
Chennai.
3. The District Collector,
Vellore District, Vellore.
4. The Revenue Divisional Officer,
Vellore

...Respondents

P R A Y E R: WRIT PETITION under Article 226 of the
Constitution in the nature of Mandamus directing the 2nd
respondent to consider and appoint the petitioner for he post of
Post Graduate teacher in the government High Secondary School.

For Petitioner : Mr.Gunasekar for
Mr.V.R.Kamalanathan

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The petitioner seeks a mandamus directing the Verification
Officer, Teachers Recruitment Board, arrayed as 2nd respondent,
to consider her appointment for the post of Post Graduate
Teacher in the Government Higher Secondary School.

2. Heard Mr.Gunasekar, learned counsel for Mr.V.R.Kamalanathan, learned counsel for the petitioner, Mr.A.Zakir Hussain, learned Government Advocate respondents.

3. Both learned counsels cite an order passed in a similar case by a Division Bench of this Court headed by The Chief Justice in W.P.No.19567 of 2010 on 13.08.2008. The order is as follows:

2.The case of the petitioner in this writ petition is that the Community Certificate of the petitioner, which is dated 25.06.1997 and which has been produced by her at the time of selection to the post in question, is a genuine one, but the same has been sent to the third respondent and subsequently to the fourth respondent for verification and the verification proceeding is pending. In the meantime, on the basis of the selection result which has been announced, the petitioner figures in the list of selected candidates withheld by the second respondent. At this juncture, the petitioner has come to this Court with a prayer that her selection to the post may take place subject to verification.

3.Considering the facts and circumstances of this case, we dispose of the writ petition by directing that the petitioner's selection to the post in question should not be held up on the ground that the verification of community certificate has not yet been finalised. We make it clear that the petitioner may be selected on a provisional basis subject to verification of the Certificate. If, intimately, it transpires that the petitioner's Community Certificate is no a genuine one and is false, in that case, the service of the petitioner shall be instantaneously terminated on the ground of producing a false community Certificate and the petitioner is not entitled to claim on the on the ground of equity. The verification of the petitioner's Community Certificate may be concluded as early as possible, preferably, within a period of three(3) months from this date.

4. In the present case as well, the petitioner has, on 29.03.2017, requested appointment on a provisional basis based upon G.O.M.S.No.109 dated 15.10.2012, and in line with the decision of this Court as extracted above.

5. Thus, while directing that verification of the petitioners' community certificate be concluded expeditiously and preferably within a period of three(3) months from today, the petitioners' appointment on provisional basis is liable to be granted and I do so. The appointment shall be subject to orders passed by the Verification Committee.

6. This writ petition is allowed in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To,

1. The Secretary to Government
of Tamilnadu
Education Department,
Fort.St.George, Chennai-600009.
2. The Verification Officer,
Teachers Recruitment Board,
Chennai.
3. The District Collector,
Vellore District, Vellore.
4. The Revenue Divisional Officer,
Vellore.

+1cc to Mr.V.R.Kamalanathan, Advocate SR.No.30705

+1cc to Government Pleader SR.No.32054

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LN(CO)
GMY(19/06/2019)