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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.34316 of 2019

and

WMP.Nos.34977,34980 and 34981 of 2019

R.Sumathy

...Petitioner

Vs.

1.Member Secretary,
Teacher Recruitment Board,
Greams Road,
Chennai 600 006.

2.The Director of School Education,
College Road,
Nungambakkam,
Chennai 600 034.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records in the impugned order dated 20.11.2019 published in the website of the 1st respondent declaring the petitioner as ineligible and quash the same and direct the 1st respondent to consider the petitioner for the appointment to the post of PG Assistant Teacher/Physical Education director based on the marks secured by the petitioner in TRB examination held on 29.09.2019.

For Petitioner: Mr.R.Rajarajan

For Respondents : Mr.C.Munusamy for R1
Special Government Pleader

Mrs.V.Annalakshmi for R2
Government Advocate

O R D E R

Mr.C.Munusamy, learned Special Government Pleader takes notice for the first respondent and Mrs.V.Annalakshmi, learned Government Advocate, takes notice for second respondent. By



consent of the learned counsel for the parties, this writ petition is taken up for final disposal at the admission stage itself.

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2.This writ petition has been filed challenging the impugned notification published by the first respondent declaring the petitioner as ineligible to participate in the process of appointment to the post of PG Assistant/Physical Education Directors Grade-I and for other consequential relief.

3.Mr.R.Rajaraman, learned counsel for the petitioner submitted that the petitioner completed her SSLC examination in the year 1988 and she completed +2 during September 2002 and thereafter joined Bachelor of Tamil Literature during December 2002 and completed the course in May 2005. Thereafter, she completed her B.Ed Course in the year 2010 and the Masters Degree in Tamil Literature.

4.The learned counsel for the petitioner submitted that the Teacher's Recruitment Board had issued a notification on 12.06.2019 and called for the candidates to apply for the post of PG Assistant/Physical Education Directors Grade-I. The petitioner had applied for the said post and she had also taken her written examination and secured 93 marks. The petitioner was also provisionally selected and she was called for certificate verification. After certificate verification, the first respondent had rejected the name of the petitioner on the ground that the petitioner had not completed her +2. The learned counsel submitted that the reason assigned by the first respondent was factually erroneous since the petitioner had completed her +2 and thereafter she has completed her UG and PG in Tamil Literature. The learned counsel further submitted that the list published by the first respondent making the petitioner ineligible to participate in the recruitment process requires interference.

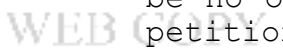
5.Per Contra, the learned counsel appearing on behalf of the respondents submitted that the petitioner had attended only three papers and completed the same during the examination that was conducted in March 2002. Thereafter, the petitioner has completed the balance three papers during the examination conducted in September 2002. However, the petitioner had joined the B.A.(Tamil Literature) in December 2002 and the same is not permissible and at the best the petitioner could have joined the UG course in the next academic year only. It is only on this ground, the candidature of the petitioner was rejected by the Teachers' Recruitment Board.



6. This Court had carefully considered the submissions made on either side and perused the materials available on record.

7. The only issue that requires consideration is as to whether the first respondent was right in rejecting the candidature of the petitioner on the ground that she has not completed her +2. It is clear from the records that the petitioner had completed the SSLC during April 1998 and she has passed three subjects in +2 during March 2002 and the balance three subjects during September 2002. Thereafter, the petitioner had joined B.A. (Tamil Literature) with the University of Madras in December 2002. This makes it clear that the petitioner had in fact completed +2 and only thereafter joined the UG course. Therefore, the reason given by the first respondent for rejecting the candidature of the petitioner is factually incorrect. Insofar as the contention raised by the learned Government Advocate appearing on behalf of the respondent to the effect that the petitioner could have joined the UG course only in the next academic year is concerned, the said submission is not sustainable. If the University of Madras, had commenced the course during December 2002 and had received the application from the petitioner and the petitioner was allowed to complete the UG course, the respondent cannot insist that the petitioner can join the UG Course only in the next academic year. It is to be noted that the petitioner completed her UG course from the University of Madras and not from any private University. Therefore, before the petitioner was admitted into the Course, the University of Madras would have scrutinized and satisfied itself that the petitioner had completed her +2 course. The period when the course was started by the University of Madras cannot be questioned by the respondent and the respondent cannot cancel the candidature of the petitioner merely on the ground that the petitioner should have joined the UG course only in the next academic year. This objections is totally unsustainable.

8. In the result, the ineligibility list that was published by the first respondent on 20.11.2019 is liable to be set aside only insofar as the petitioner is concerned. In view of the same, there shall be a direction to the first respondent to consider the candidature of the petitioner for appointment to the post of PG Assistant/Physical Education Directors Grade-I, if the petitioner satisfies all the other requirements.



9. This writ petition is accordingly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

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Sub Assistant Registrar

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To

1. The Member Secretary,
Teacher Recruitment Board,
Greams Road,
Chennai 600 006.

2.The Director of School Education,
College Road,
Nungambakkam,
Chennai 600 034.

+1cc to Mr.R.Rajarajan, Advocate Sr.105044
+1cc to the Government Pleader Sr.105814

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