

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.12.2019

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35301 of 2019
and WMP Nos.36103, 36104, 36105,36109 of 2019

M.Dheivanai

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Secretariat, Chennai - 9.
2. The Chairman,
Teachers Recruitment Board,
O/o.4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai - 6.
3. The Member Secretary,
Teachers Recruitment Board,
O/o.4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai 6

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 2nd respondent in his proceedings Nil dated 20.11.2019 and quash the same as illegal insofar as it is relates to petitioner is concerned and consequentially to direct the respondents to appoint the petitioner as P.G.Assistant (Mathematics) taking into consideration of the petitioner's qualification and the marks within the time stipulated by this Court.

For Petitioner : Mr.S.Nambi Arooran
for Ajmal Associates

For Respondents: Mrs.V.Annalakshmi
Government Advocate

O R D E R

Since a very limited issue is involved in this writ petition, the same has been taken up for final hearing on consent given by either side.

2. This writ petition has been filed challenging the rejection of the candidature of the petitioner who participated in the selection to the post of PG Assistant (Mathematics).

3. The case of the petitioner is that she has completed M.Sc. Mathematics from the Tamil Nadu University, Thanjavur. She completed the Course on 14.07.2019, when the results were published. The 2nd respondent vide notification dated 12.06.2019 had invited applications from eligible candidates for appointment to the post of PG Assistant in various disciplines in Tamil Nadu Higher Secondary Educational Service for the year 2018-2019. The petitioner who had all the eligibility, applied for the post and also participated in the on-line examination that was held on 29.09.2019.

3. The name of the petitioner found a place in the provisional list and she was called for certificate verification and the petitioner was directed to upload all the original documents for verification. The petitioner was waiting for the call from the respondents and to the shock of the petitioner, the petitioner was informed that the candidature of the petitioner has been rejected and the name of the petitioner was shown in the ineligibility list that was published by the Teachers Recruitment Board in the Official website on 20.11.2019. The reason that was assigned was that the petitioner has passed the PG Assistant after the cut off date. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The learned counsel appearing for the petitioner submitted that the basis on which the respondents have rejected the candidature of the petitioner is factually erroneous. The learned counsel submitted that even as per the certificate that was issued by the Tamil Nadu University, Thanjavur, the petitioner had completed the PG Assistant Course, when the results were declared on 14.07.2019. The learned counsel submitted that as per the notification, the last date for submission of application through on-line mode was fixed as 15.07.2019. Therefore, according to the petitioner, the petitioner had already completed the course as on the date when the application was submitted. The learned counsel therefore concluded his argument by submitting that the proceedings of the 2nd respondent requires interference and the respondents must be directed to consider the

candidature of the petitioner.

5. Per contra, Ms.V.Annalakshmi, learned Government Advocate appearing for the respondents submitted that even though the results were declared by the Tamil Nadu University, Thanjavur, on 14.07.2019, the certificate for the completion of the PG Course was given much later and therefore, on the date on which the application was submitted by the petitioner, the petitioner was not in possession of the completion certificate given by the University and therefore, the petitioner was not eligible to be considered for selection.

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

7. The candidature of the petitioner has been rejected by the Teachers Recruitment Board only on the ground that the petitioner had passed the Post Graduation course after the cut off date. It is clear from the certificate issued by the Tamil Nadu University, Thanjavur that the results for the PG course was published on 14.07.2019. As per the results published, the petitioner had cleared the Post Graduation. The last date for the submission of the application to participate in the selection was 15.07.2019. Therefore, on the date of submission of application, the petitioner had completed the course.

8. The respondent went wrong in rejecting the candidature of the petitioner on the wrong premise that the petitioner did not complete the post graduation before the due date. The respondents failed to note that the certificate which was given later to the petitioner is only the reiteration of the completion of the course of the petitioner on 14.07.2019. The certificate that was received at a later point of time cannot be put against the petitioner and in the considered view of this Court, the ground on which the candidature of the petitioner was rejected is totally erroneous and the same requires interference of this Court.

9. In the result, the impugned proceedings of the 2nd respondent dated 20.11.2019 is liable to be quashed insofar as the rejection of candidature of the petitioner is concerned. Consequently, the 2nd respondent is directed to take into consideration the petitioner's qualification and the marks obtained by her and proceed further with the process of selection by treating the petitioner as an eligible candidate.

10. This writ petition is accordingly allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The The Secretary, State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 9.
2. The Chairman,
Teachers Recruitment Board,
O/o.4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai - 6.
3. The Member Secretary,
Teachers Recruitment Board,
O/o.4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai 6

+2cc to Mr.Ajmal Associates, Advocate SR.106068
+1cc to the Government Pleader SR.106815

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VBA (CO)
CB(30/01/2020)

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