



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A. (MD) No.348 of 2019

AND

C.M.P. (MD) No.2890 of 2019

Vijayalakshmi

... Appellant/Petitioner

-vs-

1.The Secretary to Government of Tamil Nadu
Department of School Education,
Chennai.

2.The Teachers' Recruitment Board,
Represented by its Member Secretary,
Teachers' Recruitment Board,
E.V.K.Sampath Maligai,
College Road, Chennai - 600 006. ... Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 31.07.2017 in W.P.(MD) No.3561 of 2014 on the file of this Court.

Prayer in WP(MD). 3561/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the respondents to appoint the petitioner as Graduate Assistant in any one of the vacancies in Theni District as expeditiously as possible and pass such further or other orders as this Honble Court.

For Appellant :Mr.T.Lajapathi Roy

For Respondents:Mr.V.R.Shanmuganathan, Spl.G.P.

JUDGEMENT

[Judgment of the Court delivered made by N.KIRUBAKARAN, J.]

The appellant filed a writ petition for issuance of a writ of mandamus, directing the respondents to appoint the appellant as Graduate Assistant in any one of the vacancies at Theni District as expeditiously as possible.



2.The case of the appellant is that he participated in the Teacher Eligibility Test consisting of two papers. It is also stated that the appellant secured 89 marks. For getting qualified, the appellant is expected to score 90 marks out of 150 marks and that the appellant was not called for interview as his score was not 90 marks.

3.It is stated that in view of the fact that the appellant was entitled to one advantage mark by virtue of the order passed by this Court in the earlier writ petition filed by the appellant in W.P. (MD) No.12784 of 2012, having passed in the Teachers Eligibility Test, the appellant is ought to have been given appointment. Unfortunately, the writ petition filed by the petitioner was tagged along with the batch of cases, wherein, a Government Order vide G.O.Ms.No.252 dated 05.10.2012 and other G.O.Ms.No.71, dated 30.05.2014 were challenged, which is not for the relief that was claimed by the appellant. In view of the fact that the common order passed in the batch of writ petitions is not applicable to the appellant's case, the appellant has preferred the above appeal on the only ground that the grievance of the petitioner has not been considered.

4.The fact that the appellant's case was not considered on merits is not in dispute.

5.The learned Special Government Pleader appearing for the respondent however submitted that mere passing of Teacher Eligibility Test may not result in getting employment as a matter of course. Hence, he has no grievance, if a direction is given to the respondents to consider the appellant for the appointment.

6.Hence, the order passed by the learned Single Judge dated 21.07.2017 insofar as it relates to the writ petition in W.P.(MD) No.3561 of 2014 is set aside. The respondents are directed to consider the appellant for the post of Graduate Assistant and pass appropriate orders on merits and in accordance with law, after giving an opportunity to the petitioner, within a period of 4 weeks from the date of receipt of a copy of this order.

7.With the above direction, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)



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Chennai.

2.The Teachers' Recruitment Board,
Represented by its Member Secretary,
Teachers' Recruitment Board,
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College Road, Chennai - 600 006.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-56541[F] dated
26/03/2019)

+1 CC to M/s.SPL GP (SR-56256[F] dated 25/03/2019)

W.A. (MD) No.348 of 2019

AND

C.M.P. (MD) No.2890 of 2019

DS/ /SAR- (16.04.2019) 3P 5C