



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.[MD]No.19817 of 2014

and

M.P.[MD]Nos.2 to 4 of 2014

M.Vijayalakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.

2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

3. The Director of School Education,
College Road, Chennai - 600 006.

4. The Assistant Director of Professional &
Executive Employment Branch Office,
Madurai.

5. The District Employment Officer,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notification of the second respondent published in Advertisement No.7/2014 dated 13.10.2014, quash the same in so far as seeking to fill up the 652 vacancies of Computer Instructors under direct recruitment and consequently permit the petitioner herein with MCA and PGDCA qualification to attend the Special Test to be conducted by the second respondent for the 652 vacancies meant for absorption of temporarily appointed Computer Instructors of the year 1999 to 2001.

For Petitioner : Mr.K.Appadurai

For Respondents 1, 3 to 5 : Mrs.S.Srimathy

Special Government Pleader

For Respondent No.2

: Mr.V.R.Shanmuganathan

Special Government Pleader



sought for to direct the respondents to permit the petitioner to participate in the process of selection.

2. Admittedly, the writ petitioner was not allowed to participate in the process of selection for appointment to the post of Computer Instructors. The Writ Petitioner was not allowed to participate in the process of selection in view of the fact that the writ petitioner with reference to the recruitment notification dated 13.10.2014 was not qualified. The qualification prescribed in the recruitment notification is under challenge in the present writ petition.

3. However, the learned Special Government Pleader for the respondent Board states that the writ petitioner had not participated in the process of selection and was not selected with reference to the recruitment Notification dated 13.10.2014. However, after a lapse of about 5 ½ years, the qualification for appointment to the post of Computer Instructor underwent changes and now the post graduate degree is prescribed as an essential qualification for appointment to the post of Computer Instructor.

4. Though, the grievances in respect of the prescription of educational qualification is redressed, the writ petitioner at this length of time cannot be considered for appointment with reference to the impugned Notification dated 13.10.2014, in view of the fact that the writ petitioner had not participated in the process of selection and not selected.

5. Unfortunately, the writ petition was kept pending for about 5 ½ years. On account of efflux of time, the Government took a decision amending the educational qualification and accordingly, the grievances of the writ petitioner is redressed with reference to the prescription of the educational qualification. However, this Court cannot consider the relief to consider the case of the writ petitioner for appointment to the post of Computer Operator and the petitioner is bound to secure appointment only by participating in the process of selection and become successful in the selection. There cannot be any waiver of process of selection as far as the writ petitioner is concerned and this Court wishes the writ petitioner to secure appointment only by participating in the process of selection and on merits.

6. The Writ Petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //



To

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State of Tamil Nadu,
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Fort St. George, Chennai - 600 009.

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5.The District Employment Officer,
Theni, Theni District.

+1 CC to Mr.K.APPADURAI, Advocate (SR-71203[F] dated 25/06/2019)

ORDER MADE IN
W.P[MD]No.19817 of 2014
25.06.2019
(34)

mr

MK (24.07.2019) 3P 7C