



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

WEB COPY W.P (MD) Nos. 20746, 20747, 20977 and 20978 of 2014
and
M.P (MD) Nos. 1,1,1,1,2,2,2,2 & 3,3,3 & 3 of 2014

W.P (MD) No. 20746 of 2014

R.Sathiya Priya

... Petitioner

Vs

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

2. The Teachers Recruitment Board,
Rep. by its Member Secretary,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.

3. The Director of Employment and Training,
Chennai-32.

4. The Assistant Director,
Professional and Executive Employment Branch Office,
K.Pudur, Madurai-625 007,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus, to call for the records pertaining to the impugned notification in Advertisement No.7/2014 dated 13.10.2014 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents to fill up the post of Computer Science as per the qualifications prescribed for Post Graduate Assistants in Academic Subjects under Special Rules for the Tamil Nadu Higher Secondary Educational Service issued under G.O.Ms.No.720 (Education Department) dated 28.04.1981.

For Petitioner : Mr.T.Lajapathi Roy

For R1, R3 & R4 : Mr.D.Muruganantham,
Additional Government Pleader

For R2 : Mr.VR.Shanmuganathan
Special Government Pleader



W.P(MD)No.20747 of 2014

R.Supriya

... Petitioner

WEB COPY

Vs

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

2.The Teachers Recruitment Board,
Rep. by its Member Secretary,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.

3.The Director of Employment and Training,
Chennai-32.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notification in Advertisement No.7/2014 dated 13.10.2014 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents to fill up the post of Computer Science as per the qualifications prescribed for Post Graduate Assistants in Academic Subjects under Special Rules for the Tamil Nadu Higher Secondary Educational Service issued under G.O.Ms.No.720 (Education Department) dated 28.04.1981.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 & R3	: Mr.D.Muruganantham, Additional Government Pleader
For R2	: Mr.VR.Shanmuganathan Special Government Pleader

W.P(MD)No.20977 of 2014

S.Thanamani

... Petitioner

Vs

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



2.The Teachers Recruitment Board,
Rep. by its Member Secretary,
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,
Santhom,
Chennai-4.

5.The District Employment Officer,
Trichy,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Original Impugned Notification issued by the second respondent herein in Advertisement No.07/2014 dated 13.10.2014 and quash the same and further direct the fourth respondent sponsor the petitioner's name to attend the Special Test to be conducted by the second respondent for the 652 vacancies meant for absorption of the temporary appointed Computer Instructors.

W.P(MD)No.20978 of 2014

A.Sabitharani

... Petitioner

Vs

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

2.The Teachers Recruitment Board,
Rep. by its Member Secretary,
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,
Santhom,
Chennai-4.

5.The District Employment Officer,
Trichy,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Original Impugned Notification issued by the second respondent herein in Advertisement No.07/2014 dated 13.10.2014 and quash the same and further direct the fourth respondent sponsor the petitioner's name to attend the Special Test to be conducted by the second respondent for the 652 vacancies meant for absorption of the temporary appointed Computer Instructors.

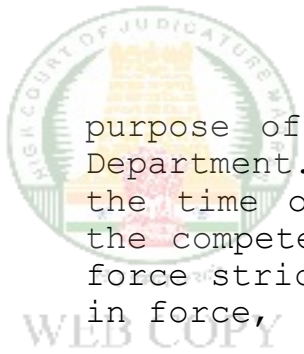
For Petitioner : Mr.A.C.ASAITHAMBI,
For R1,R3 to R5 : Mr.D.Muruganantham,
Additional Government Pleader
For R2 : Mr.VR.Shanmuganathan
Special Government Pleader

COMMON ORDER

The recruitment notification issued in Advertisement No.07/2014 dated 13.10.2014 is sought to be quashed in these writ petitions. Further direction is sought for to direct the respondents to fill up the posts of Computer Instructors as per the qualification prescribed for the Posts Graduate Assistants in the academic subject under special rules for Tamil Nadu Higher Educational Service issued in G.O.No.720, Education Department, dated 28.04.1981.

2.Adjudication of the entire facts and the grounds in these writ petitions are unnecessary in view of the fact that the challenge is made against the recruitment notification issued on 13.10.2014. Pursuant to the impugned notification, the process of selection had been concluded and the selected candidates were appointed as Computer Instructors. Thus, the relief as such sought for to quash the recruitment cannot be granted at this length of time and therefore, the adjudication of entire facts has no relevance.

3.The learned counsel appearing for the petitioner states that the qualifications prescribed for Post Graduate Assistant in academic subjects under the Special Rules for the Tamil Nadu Higher Secondary Education had not been followed by the respondents for the



purpose of appointment of Computer Instructors in the Educational Department. In this regard, this Court is of the opinion that at the time of undertaking the process of selection and appointment, the competent authority is bound to follow the recruitment rules in force strictly. The respondents have to follow the recruitment rules in force, for appointment to the post of computer instructor.

4. This being the factum, the respondents are directed to follow the recruitment rules including the Educational Notification and other criterias strictly and without any deviation and violation, at the time of undertaking the process of selection to the post of Computer Instructor. The writ petitioners are also at liberty to participate in the forthcoming process of selection, if any notification is issued and if the writ petitioners are fully qualified they shall participate in the process of selection. Even in respect of the appointment already made, if any appointment is illegal or irregular then the writ petitioner is at liberty to challenge the same if they have chosen to do so or advised to do so. However, the quashing of the recruitment notification at this juncture is not preferable and the same cannot be done in view of the fact that the selected candidates were already appointed and serving in the Educational Department for the past more than five years. This apart, those persons are not parties before this Court hence, and no order can be passed against them affecting their service conditions. Liberty is granted to approach the authorities, if any, grievance exists.

5. With these directions, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

/ True Copy /

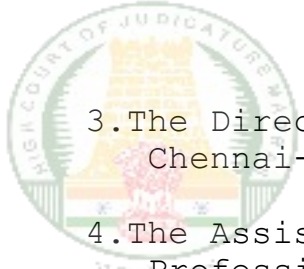
Sub Assistant Registrar(CS-)

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To

1. The Secretary to Government,
Department of Education,
Fort St. George, Chennai-600 009.

2. The Member Secretary,
The Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.



3.The Director of Employment and Training,
Chennai-32.

4.The Assistant Director,
Professional and Executive Employment Branch Office,
K.Pudur, Madurai-625 007,
Madurai District.

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

6.The Assistant Director of Professional &
Executive Employment,
Santhom, Chennai-4.

7.The District Employment Officer,
Trichy, Trichy District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate
(SR-70901[F] dated 24/06/2019)

+1 CC to M/s.A.C.ASAITHAMBI, Advocate
(SR-70380[F] dated 21/06/2019)

+1 CC to M/s.SPL GP (SR-70957[F] dated 24/06/2019)
(SR-70995[F] dated 24/06/2019)

W.P (MD) Nos.20746, 20747, 20977 and 20978 of 2014
21.06.2019

ES/03.07.2019/6P/11C