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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.4901 of 2015

and

M.P. [MD]No.1 of 2015

C.Manimaran

... Petitioner

Vs.

1.Teachers Recruitment Board,
Rep. by its Secretary,
College Road,
Chennai - 600 006.

2.The District Employment Officer,
Pudukottai District,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to conduct certificate verification and include the petitioner's name in the tentative provisional selection list for being appointed him as a Computer Instructor as per the first respondent notification dated 13.10.2014.

For Petitioner : Mr.T.Lenin Kumar
For Respondent No.1 : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondent No.2 : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to conduct certificate verification and include the petitioner's name in the tentative provisional selection list for appointing him as a Computer Instructor as per the first respondent's notification dated 13.10.2014.

2.The writ petitioner has completed B.Sc., Computer Science in the year 1991 and B.Ed., in the year 1996. The petitioner registered his name in the employment exchange. Pursuant to the recruitment notification of the year 2014, the writ petitioner participated in the process of selection. The learned Counsel for the writ petitioner states that the writ petitioner was selected. However, he was not called for certificate verification. Thus, the petitioner is constrained to move the present writ petition.



3. Learned Counsel for the writ petition states that the respondents ought to have called the writ petitioner for certificate verification for appointment. But, without any valid reason, the petitioner was not called for certificate verification and hence, the writ petition is filed for the relief of appointment based on the employment registration.

4. Subsequent to the impugned selection, the procedure for selection underwent major changes. The learned Special Government Pleader for the respondents states that after the recruitment notification issued in the year 2014, the selections are made through open competitive process through Teachers Recruitment Board and by conducting written examinations. Thus, all further selection process as well as the appointments pursuant to the earlier notification were stopped and the appointed candidates alone were protected. In other words, the persons appointed prior to the introduction of the new recruitment procedure alone were protected and further appointments were not granted. Admittedly, the writ petitioner was not called for certificate verification.

5. In this regard, it is contended that the qualification for appointment to the post of Computer Instructor was subsequently upgraded as Master Degree with B.Ed. The writ petitioner does not possess Master Degree and therefore, he is not eligible as of now to the post of Computer Instructor.

6. Based on the old qualification, this Court cannot issue any directions for appointment to the post of Computer Instructor. In view of the fact that the process of selection underwent many changes and the minimum educational qualification for appointment to the post of Computer Instructor is upgraded as Post Graduate qualification with B.Ed., this Court is not inclined to consider the case of the writ petitioner. Mere selection would not confer any right on the candidate for appointment. The writ petitioner has not impleaded any person who secured appointment illegally or by way of malpractice. The selection can be interfered with only if there is any malpractice / corrupt activities / illegalities. In the absence of establishing any such aspects, the Court cannot interfere with the selection in a routine manner.

7. If at all, the writ petitioner is of the opinion that some candidates were appointed illegally or corrupt practices crept in the process of selection, then alone, the writ petitioner can be considered. However, no such allegations are raised nor any persons were impleaded as party respondent in the writ proceedings. In the absence of any such allegations which all are to be substantiated, this Court is not inclined to grant time to the writ petitioner. This apart, even at the time of filing the writ petition, the writ petitioner was about 46 years and now he would be around 51 years. This being the factum, the writ petition deserves no further consideration.



8. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar (CS)

To

1. The Secretary,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

2. The District Employment Officer,
Pudukottai District,
Pudukottai.

+1 CC to M/s. T. LENIN KUMAR, Advocate SR-73092.

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CS(22.07.2019) 3P 4C