



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.934 and 1046 of 2015

and

M.P. (MD) Nos.1 to 3 and 2 to 4 of 2015

N.Theivamani
2015

... Petitioner in W.P. (MD) No.934 of

1.J.Gurubalan
2.K.Saravanakumar
3.P.Solairaja
4.K.Vijayapandiyar
5.V.Birundadevi
6.S.Rejina Selvakumari
7.K.R.J.Sethurangan
8.R.Sasikala

... Petitioners in W.P. (MD) No.1046 of 2015

-Vs-

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

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

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

... Respondents in both W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned G.O.Ms.No.140, School Education Department, dated 19.05.2010 on the file of the respondent No.1 and 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
(in both W.Ps.)
For R1 and R3 : Mrs.S.Srimathy,
(in both W.Ps.) Special Government Pleader.
For R2 : Mr.V.R.Shanmuganathan,
(in both W.Ps.) Special Government Pleader.

WEB COPY

COMMON ORDER

The grievance of the writ petitioners, is that the post of Computer Instructor in the Education Department has not been filled properly by the respondents. In this regard, the Government Order issued in G.O.Ms.No.140, School Education Department, dated 19.05.2010 as well as the recruitment notification issued on 13.10.2014 are sought to be quashed.

2.The learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that minimum educational qualification for appointment to the post of Computer Instructor has been upheld as Post Graduate degree with B.Ed.,

3.Under these circumstances, the very claim of the writ petitioners in the Writ Petitions cannot be considered. This apart, similar issue has already been considered by this Court in W.P.(MD) No.20746 of 2014 dated 21.06.2019 and the relevant paragraphs are extracted hereunder:-

"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 for academic year 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. Now, after a lapse of about 5 years, the respondents have to follow the recruitment rules in force, as of now, for appointment to the post of computer instructor.

This being the factum, the respondents are directed to follow the service 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 thus appointment is illegal or irregular then the writ petitioner is at liberty to challenge the same after 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 is exists."

4. In view of the order passed in the case cited supra, no further consideration is required and accordingly, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.
2. The Member-Secretary,
Teachers Recruitment Board,
EVK Sampath Malikai, DPI Compound,
College Road, Chennai-600 006.
3. The Director of Employment and Training,
Chennai-32.

W.P. (MD) Nos. 934 and 1046 of 2015

03.07.2019

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