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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition (MD).No.17638 of 2017

and

W.M.P. (MD) .Nos.14195 and 14196 of 2017

R.Sherlin Vimal

... Petitioner

Vs.

1. The Secretary to Government,
Department of School Education,
Fort St. George,
Chennai -9.

2. The Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Complex,
College Road,
Chennai.

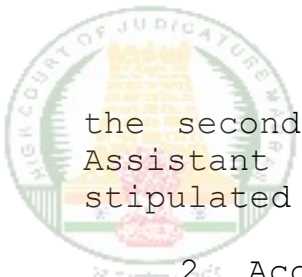
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent pertaining to its certificate verification result dated Nil disqualifying the petitioner saying that M.A., not qualified at the time of application and to quash the same and consequently direct the respondent to appoint the petitioner as post graduate Assistant Teacher in English within the time frame that may be stipulated by this Court.

For Petitioner	:	Mr.S.C.Herold Singh
For R1	:	Mrs.S.Srimathy Special Government Pleader
For R2	:	Mr.V.R.Shanmuganathan Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a writ Certiorarified Mandamus to call for the records from the second respondent pertaining to the Certificate Verification Result dated Nil, disqualifying the petitioner saying that M.A., not qualified at the time of application and quash the same and consequently direct



the second respondent to appoint the petitioner as Post Graduate Assistant Teacher in English within a time frame that may be stipulated by this Court.

2. According to the petitioner, she has applied for selection to the post of P.G. Assistant in English subject on 02.06.2017. The qualification prescribed by the Teachers Recruitment Board under Clause 4(b) of the Notification is that the candidate should possess a Post Graduate degree in the relevant subject with B.Ed., degree awarded by an University or Institution recognized by the University Grants Commission. The results for the M.A., degree was published in the month of August 2017. At the time of submitting the application, the petitioner was not in a position to produce the M.A., degree certificate along with the application. During the counselling, the petitioner's name was not considered stating that at the time of submitting the application, the petitioner was not qualified for the reason that she has not submitted the M.A., degree certificate. Challenging the said order, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner has not produced the M.A., degree certificate at the time of submitting the application. It is the submission of the learned counsel for the petitioner that the aforesaid M.A., degree certificate was produced pursuant to the last date of the submission of the application. Further, it has been submitted that the results were published subsequent to the submission of the application. Therefore, the petitioner is eligible for the selection to the post of P.G. Assistant in English subject. Hence, the order passed by the second respondent is liable to be quashed.

4. The learned Special Government Pleader appearing for the second respondent would submit that the same issue has been raised in W.P.No.24205 of 2014 before this Court and the same was allowed. Challenging the said order, the Board has preferred an appeal before the Division Bench and the judgment rendered by the Division Bench in W.A.Nos.1483 and 1484 of 2015 has been placed before this Court by the learned Special Government Pleader appearing for the second respondent. It is relevant to refer Paragraph No.7 of the judgment rendered by the Division Bench, which reads as follows:

"7. It is relevant to refer to Clause -11 of the Notification No.02/2013 issued by the Teachers Recruitment Board, dated 09.05.2013, which relates to Certificate Verification. In that clause, it is specifically stated that all Educational Certificates should have been issued prior to the last date for submission of filled-in applications and that the certificates issued after the cut-off date will not be considered. It cannot be simply read as persons who have appeared for the examination shall be considered for the post. As on the date of submission of application, the candidate should have acquired the qualifications prescribed.



The qualification prescribed for the post of P.G.Assistant is M.A./M.Sc./M.Com. in the relevant subject with B.Ed., Degree. The respondent herein did not qualify in B.Ed., before the cut-off date. He only appeared for the examination and was not holding the degree certificate at the relevant point of time. Without there being any certificate in hand, it cannot be stated that the candidate has acquired the qualification. For example, if a person appears for examination in the year 1992, but he ultimately passes the examination only in the year 1995, he would have passed the examination after repeated attempts. In such a case, it cannot be construed that he completed the examination in 1992, even though he wrote the examination in 1992. Thus, a person can be considered as qualified only on acquiring the qualification by passing in all the subjects relating to the examination. When Clause II of the Notification clearly states that all educational certificates should have been issued prior to the last date for submission of filled-in applications and that the certificates issued after the cut-off date will not be considered, there cannot be any room for allowing the claim of the respondent."

5. In the above said case also the petitioner has not submitted the M.A., degree certificate on the date of submitting the application.

6. Clause 4(b) of the Notification dated 09.05.2017, prescribed the educational qualification and in Clause (6) of 4(b), it has been stated as follows:

"6. The candidates not having prescribed qualifications, as on the last date of submission of filled-in online application, shall not be eligible to apply for the examination. The candidates should satisfy themselves about their eligibility before applying. It is to be noted that if a candidate is allowed to appear for the examination it does not imply that the eligibility of the candidate is verified. The eligibility shall be verified by the Board only at the time of Certificate Verification.

Note: All qualifying certificates should have been obtained prior to the last date for submission of filled-in applications, announced in the recruitment notification."

7. From a perusal of Clause 4(b) of the aforesaid Notification, it is apparent that all qualifying certificates should have been obtained prior to the last date for submission of filled-in applications, announced in the recruitment notification. It is found that the petitioner has not submitted all the qualification certificates prior to the last date of submission. Hence, this Court has no hesitation to reject the contention of the petitioner and



this Court has not found any reason to interfere with the order passed by the second respondent. The writ petition is dismissed accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Department of School Education,
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Chennai -9.
2. The Teachers Recruitment Board,
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DPI Complex,
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