



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD) .No. 15955 of 2019
and W.M.P. (MD) No. 12663 of 2019

G. Senthilkumar : Petitioner

Vs.

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

: Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondent to appoint the petitioner for the post of Post Graduate Assistant (Chemistry) in the light of the Judgment of this Court dated 22.02.2018 in W.A. No. 257 of 2018, within a stipulated period fixed by this Court.

For Petitioner : Mr.K. Rajeshwaran
For Respondent : Mr.V.R. Shanmuganathan,
Standing counsel

ORDER

This Writ Petition has been filed to direct the respondent to appoint the petitioner for the post of Post Graduate Assistant (Chemistry).

2. According to the petitioner, by Order of this Court, dated 22.02.2018 in W.A.(MD) Nos. 256 to 259 of 2018 wherein this Court allowed the writ appeal with the following observations:

"4. The learned Special Government Pleader appearing for the appellants would contend that the jurisdiction of the Court to undertake an exercise to invite subject experts to reevaluate to furnish key answers was specifically canvassed by him before the writ Court. However, we find in the impugned order passed in the writ petition, the said legal issue has not been dealt with. Be that as it may, it has to be seen as to whether this Court should undertake an exercise to test the correctness of the order in the



writ petitions. We are of the considered view that the said exercise is not required on account of the peculiar facts and circumstances which has arisen after the writ petitions were disposed of. Be it noted that though the writ petitioners contended that the key answers for several questions were incorrect, the Court granted relief by directing the appellants to award one mark each to the question Nos.14, 43, 63 and 72 respectively for only six petitioners and in respect of the other questions, the claim made by the writ petitioners were negatived. Therefore, after the decisions rendered in the writ petitions, though there were 16 writ petitioners, it appears that only six of them would come within the zone of consideration namely J.Muthu Pandi, G.Santhi, S.Selvarani, S.Chandramary, T.Mariammal and A.Mari Selvam. Therefore, we hold that the order passed in the writ petitions need not be disturbed as the relief accrued only to six of the writ petitioners. That apart, we note that though several number of vacancies were notified, only 92 candidates have been found to be eligible and have joined. Therefore, the relief granted in the writ petitions can be extended to the aforementioned six writ petitioners alone.

5. The learned Special Government Pleader expressed an apprehension that the order passed in the writ petition would be a precedent for subsequent cases as well. There need not be any apprehension in this regard as this Court will make proper observation and direction in this order. That apart, as noted above, the writ Court has not decided the jurisdictional issue which has been specifically pleaded in the counter affidavit filed in the writ petitions and stated to have been argued by the learned Special Government Pleader before the writ Court. Thus, necessarily the legal issue has to be left open and the order passed in the writ petition cannot be treated as a precedent nor could be extended to other persons, who participated in the same selection process and should be confined only to six of the writ petitioners, who are stated to come within the zone of consideration. Thus, for the above reasons, while confirming the order passed in the writ petition, we clarify that the directions/ methodology adopted by the writ Court cannot be treated as a precedent and the effect of the order impugned cannot be extended to any other candidates, except those six candidates whose name has been mentioned and the selection process have already been completed, no other new candidate, who has been unsuccessful can come before this Court pleading similar relief.



Accordingly, these writ appeals stand disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

6. Since the learned Senior counsel for the petitioner has stated that six of the writ petitioners as mentioned above have come within the zone of consideration and have also participated in the certificate verification, ie., the orders of appointment shall be issued to the six writ petitioners namely J.Muthu Pandi, G.Santhi, S.Selvarani, S.Chandramary, T.Mariammal and A.Mari Selvam within a period of six weeks from the date of receipt of a copy of this order."

3. Pursuant to the order of this Court, revaluation was conducted by the Board, therein the respondent Board has filed a review application before this Court and the said review application is still pending.

4. The learned standing counsel would submit that the Eight vacancies for the post of Post Graduate Assistant (Chemistry) is not filled up by the respondent/Board, till the final orders passed in the said review application and therefore, the present prayer in the writ petition is liable to be rejected.

5. By recording the above said statement, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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TO

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

+1CC TO MR.K.RAJESHWARAN, Advocate Sr. No. 77014

SVN (CO)

TR (05.08.2019) 3P 3C