



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED 06.09.2019
CORAM**

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI
W.A. (MD)No.911 of 2019
and
CMP (MD)No.8201 of 2019**

M.Vijayalakshmi

.. Appellant / Petitioner

Vs.

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

2.The Chairman,
Teachers Recruitment Board,
4th Floor, 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 Branch Office,
Madurai.

5.The District Employment Officer,
Theni, Theni District.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.19817 of 2014 dated 25.06.2019.

Prayer in WP(MD). 19817/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of

<https://hcservices.ecourts.gov.in/hcservices/>



Certiorari Mandamus, calling for the records relating to the Impugned notification of the 2nd respondent published in Advertisement No. 07/2014 dated 13.10.2014, quash the same in so far as seeking to fill up the 652 vacancies of Computer Instructors under direct recruitment and consequently permit the petitioner herein with MCA and PGDCA qualification to attend the Special Test to be conducted by the 2nd Respondent for the 652 vacancies meant for absorption of temporarily appointed Computer Inspectors of the year 1999 to 2001.

For Appellant : Mr.K.Appadurai
For Respondents : Ms.S.Srimathy
Spl.Govt.Pleader

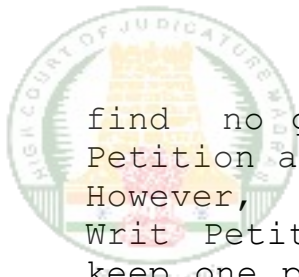
JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.K.Appadurai, learned counsel appearing for the appellant and Ms.S.Srimathy, learned Special Government Pleader (Education) accepting notice on behalf of the respondents.

2. The appellant is aggrieved by the impugned order, dated 25.06.2019 passed in W.P(MD)No.19817 of 2014. The appellant challenged a Notification issued by the Teachers Recruitment Board (TRB), dated 13.10.2014, calling for applications for direct recruitment to the post of Computer Instructors. According to the appellant, the qualification prescribed in the Notification was incorrect and the qualification should have been MCA with PGDCA to enable the candidates to attend the special tests to be conducted by the TRB for 652 vacancies for absorption of temporarily appointed Computer Instructors during the year 1999-2001. The Writ Petition was pending for 5-1/2 years and though there was an interim order to keep one post vacant, no benefit accrued to the appellant on account of the same.

3. Ultimately, the appropriate authority appears to have realized that qualification for Computer Instructors should be MCA and PGDCA. The same was amended, but by then the selection notified vide Notification, dated 13.10.2014, vide Advertisement No.7/14, was completed and this amended qualification was only for the subsequent recruitment. Therefore, the learned Single Bench dismissed the Writ Petition and in our view rightly so. However the appellant though was right at the first instance with regard to fixation of qualification stating that the qualification fixed is ridiculously low and is not commensurate with the nature of duties and responsibilities of the Computer Operators, no benefit accrued to the appellant on account of the same. Therefore, we



find no grounds to interfere with the orders passed in the Writ Petition and consequently, the Writ Appeal has to be dismissed. However, we take note of the fact that when the Writ Petition was entertained, an interim order was granted to keep one post vacant. It is not clear as to what happened to the post, which was kept vacant.

4. Considering these facts, we are of the view that liberty can be granted to the appellant to move the appropriate authority for grant of relaxation of age, since the appellant had the benefit of interim order, the writ petition was pending for 5-1/2 years and during the pendency of the Writ Petition, the qualification for the post was amended as suggested by the appellant and the appellant also had the benefit of an interim order in the Writ Petition. If the appellant makes request for grant of relaxation of age, the appropriate authority may consider the same in accordance with law bearing in mind the above observations.

5. In the result, the Writ Appeal is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

- 1.The Secretary,
State of Tamil Nadu
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- 2.The Chairman,
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4.The Assistant Director of Professional &
Executive Employment Branch Office,
Madurai.

5.The District Employment Officer,
Theni, Theni District.

+1 CC to M/s.K.APPADURAI, Advocate (SR-85682[F] dated
06/09/2019)

+1 CC to M/s.GP (SR-85869[F] dated 09/09/2019)

W.A. (MD) No.911 of 2019
06.09.2019

KM/ (25.09.2019) 4P 8C