



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14642 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

M.Sivaraj

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai-09.

2.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-06.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned selection list for direct recruitment to the post of Post Graduate Assistants in Commerce published on 25.08.2014 on the file of the second respondent website and quash the same as illegal and consequently, to direct the respondent No.2 to consider the petitioner for recruitment to the post of Post Graduate Assistant in Commerce under SC category within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is to quash the selection list for direct recruitment to the post of Post Graduate Assistant in Commerce published on 25.08.2014 and further direction sought for is to consider the writ petitioner for appointment to the post of Post Graduate Assistant in Commerce under Scheduled Caste category.

2.The writ petitioner participated in the process of selection for appointment to the post of Post Graduate Assistant in Commerce. The writ petitioner belongs to Scheduled Caste community and he participated in the written examination and subsequently, in the certificate verification. However, the writ petitioner was not selected, though he secured required cut off marks of 103.

3.The learned counsel appearing on behalf of the writ petitioner states that the cut off fixed for SC community was 103 and the writ petitioner secured 103 marks. Though the writ



petitioner secured required marks, he was not selected. Thus, the writ petitioner is constrained to move the present Writ Petition.

4. The learned Special Government Pleader appearing on behalf of the respondents disputed the contentions by stating that undoubtedly, the writ petitioner has secured 103 marks, which is a cut off marks fixed for SC community. However, if more than one candidate secured cut off marks, then the date of birth will be taken as a criteria for the purpose of providing appointment to the post notified. The said terms and conditions are enumerated in the brochure supplied along with the application to the candidates.

5. In the present case on hand, the writ petitioner though secured required cut off marks, his date of birth is 16.07.1988. The other person, who was appointed under the SC General category also secured 103 marks and his date of birth is 01.03.1984. In view of the fact that other candidate was senior in date of birth, he was appointed as Post Graduate Assistant. The said position is stated in paragraph No.6 of the counter affidavit filed by the Member Secretary of the Teacher Recruitment Board, which is extracted hereunder:-

"6. It is submitted that after conduct of certificate verification, the Board published the final provisional selection list of candidates for appointment in the website of Teachers Recruitment Board. In the selection list, the cut off mark of the last candidate selected in the GT (G) and SC (G) is 112 and 103 respectively. The date of birth of the last candidate selected in the SC (G) is 1.3.1984. According to the rules of procedure followed that if more than one candidate has secured the same marks, the senior in date of birth shall be given preference for consideration for selection. Thus, even though the petitioner has secured the same cut off marks i.e., 103, he could not be selected, as he is junior in date of birth i.e., as his date of birth is 16.7.1988."

6. Considering the facts and circumstances, there is no infirmity in respect of the selection conducted and the case of the writ petitioner was considered in accordance with the terms and conditions as well as the recruitment rules in force.

7. Accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-09.

2. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-06.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-83133[F] dated
22/08/2019)

W.P. (MD) No.14642 of 2014
20.08.2019

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