



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

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CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17457 of 2014

and

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

S.Janathipathi

... Petitioner

vs.

1.State of Tamil Nadu
rep.by its Secretary
School Education Department
Secretariat, Chennai-9

2.The Chairman
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI Compound, College Road
Chennai-6

3.S.Balan

4.S.Sangeetha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records of the 2nd respondent in Memo No.2579/A3/2013 dated 20.10.2014 and quash the same and consequently direct the 2nd respondent to issue the call letter to the candidate belongs to Most Backward community as notified in the advertisement.

For Petitioner : Mr.A.John Vincent

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader for R1 & R2

No appearance for R3 & R4



O R D E R

The call letter, dated 20.10.2014, issued by the second respondent in favour of the respondents 3 and 4, is sought to be quashed in the present writ petition.

2. The writ petitioner states that the second respondent issued an advertisement on 09.05.2013 inviting applications for direct recruitment to the post of Post Graduate Assistant / Physical Education Directors Grade-I for the year 2012-2013. 2881 vacancies were notified in the advertisement. The writ petitioner states that he belongs to Most Backward Community. He applied for the recruitment. The writ petitioner was successful in the first level of selection and on the basis of the marks secured by the respective candidates, call letters were sent for certificate verification. The grievance of the writ petitioner is that on his verification, no candidate was called for certificate verification in respect of the vacancies arose in the subject of Political Science as indicated in the notification. On enquiry, the writ petitioner came to know that there was no vacancy in the subject of Political Science. However, contrary to the reply given by the second respondent / Teachers Recruitment Board, the writ petitioner found that in the provisional list, two persons, namely, the respondents 3 and 4 were invited for certificate verification under the General Turn Category. Vacancies were earmarked for the candidates belong to Most Backward Community for appointment to the post of Graduate Assistant in Political Science. However, no such candidate was called for certificate verification and therefore, the writ petitioner was of an opinion that the respondents 1 and 2 have committed irregularity in providing opportunity to the candidates belonging to Most Backward Community for appointment to the post of Graduate Assistant in Political Science. In view of the fact that the respondents 1 and 2 have not adhered to the terms and conditions stipulated in the notification, the writ petitioner was constrained to challenge the call letter issued in favour of the respondents 3 and 4.

3. The learned counsel appearing for the writ petitioner also emphasized that the respondents 1 and 2 have imposed certain new conditions, which are impermissible. On verification of the call letters, the writ petitioner came to know that no opportunity was provided to the candidates belonging to Most Backward Community for appointment to the post of Graduate Assistant in Political Science. Therefore, the call letter issued in favour of the respondents 3 and 4 was illegal and contrary to the notification issued.

4. The counter affidavit filed by the second respondent / Teachers Recruitment Board states that the writ petitioner was a candidate in the process of selection. In accordance with the



Government Orders, the recruitment notification No.2/2013, dated 09.05.2013, was issued. The posts were to be filled up on the basis of the marks secured in the written examination and weightage marks awarded after certificate verification and by following the rules of reservation as per the orders in force. The second respondent / Teachers Recruitment Board notified a total number of 2881 vacancies. Out of this, one vacancy has been notified for the subject Political Science in the Most Backward Class (General) Communal turn. The Board conducted written examination on 21.07.2013. The writ petitioner was one among the candidates applied for the post of Post Graduate Assistant in Political Science in Most Backward Class (General) Communal turn. The writ petitioner secured 63 marks. Thus, the writ petitioner did not secure the eligible pass marks in the written examination. Accordingly, he was not considered for selection as Post Graduate Assistant in Political Science.

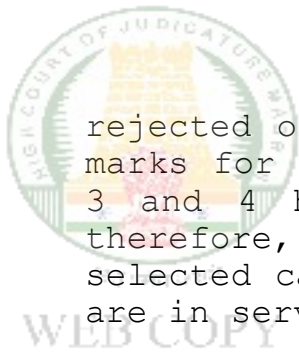
5. As per the notification, the vacancy in the post of Post Graduate in Political Science is one post for Most Backward Class (General) communal turn. But, the Board called two candidates viz. Mr.S.Balan / third respondent and Ms.S.Sangeetha / fourth respondent under the General Turn Category for certificate verification as against the advertisement issued by the Teachers Recruitment Board.

6. The Teachers Recruitment Board issued notification for only one vacancy in the subject Political Science in Most Backward Class (General) Communal Turn. Subsequently, the Teachers Recruitment Board received vacancies from the Director of Backward Classes and Most Backward Classes Welfare Department and Chennai Corporation to select candidates from General Turn. The Teachers Recruitment Board also notified these vacancies in its website.

7. According to the rule of reservation, the candidates belonging to all categories can compete in General Turn. As such, in the above selection, the respondents 3 and 4 belong to Backward Class and Scheduled Caste respectively, were selected, as they had scored higher marks than others. As such, the call letter dated 20.10.2014 was issued to the respondents 3 and 4 calling upon them for certificate verification and the Teachers Recruitment Board has not violated any rules as alleged by the writ petitioner.

8. The writ petitioner was not in the zone of consideration and therefore, he was not invited for certificate verification. A candidate, who had not secured the minimum required marks for certificate verification cannot file a writ petition and seek to quash the call letter issued in favour of the respondents 3 and 4.

9. This Court is of the opinion that the writ petitioner is unable to establish any malpractice or corrupt activities in the process of selection. The candidature of the writ petitioner was



rejected on the ground that he did not secure the minimum required marks for the purpose of certificate verification. The respondents 3 and 4 had secured higher marks than the writ petitioner and therefore, they were called for certificate verification and all selected candidates were appointed in the year 2013 - 2014 and they are in service for the past more than 5 ½ years.

10. The relief sought for in the present writ petition is to quash the call letter. Such a relief at this juncture cannot be considered at all. Subsequent to the issuance of the impugned call letter, the respondents 3 and 4 had participated in the certificate verification and based on the certificate verification, a final selection list was published and accordingly, the selected candidates were also appointed and serving for the post about 5 ½ years. This being the factum of the case, the writ petitioner has also not taken any action even to amend the developments took place in the process of selection and in respect of the appointment orders issued to the selected candidates. Under these circumstances, the relief as such sought for in the present writ petition to quash the call letter issued in favour of the respondents 3 and 4 does not arise at all.

11. This apart, the writ petitioner has not established any malpractice or irregularity or illegality in the process of selection. Contrarily, he says that only two candidates were issued with the call letter for certificate verification and no opportunity was granted to the candidates belonging to Most Backward Community. The writ petitioner had not even secured the minimum required mark for certificate verification and therefore, he cannot challenge the subsequent selection made in favour of the candidates, who secured marks higher than the writ petitioner. Under these circumstances, this Court is of the considered opinion that the writ petitioner has not established any acceptable legal ground for the purpose of granting the relief as such sought for in the present writ petition.

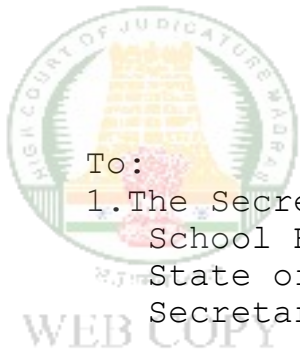
12. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar(CS)



To:

1.The Secretary,
School Education Department,
State of Tamil Nadu,
Secretariat, Chennai-9.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-6.

+1 CC to M/s.SPL GP (SR-82019[F] dated 16/08/2019)

+1 CC to M/s.A.JOHN VINCENT, Advocate (SR-82144[F] dated 19/08/2019

W.P. (MD) No.17457 of 2014
and
M.P. (MD) Nos.1 & 2 of 2014
14.08.2019

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