



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.2497 of 2014

and

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

S.Nandeeswari

... 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 Certiorari Mandamus, to call for the records pertaining to the impugned order with Provisional Selection List for Tamil Medium Reservation in Economics for direct recruitment to the post of Post Graduate Assistant 2011-12, dated 03.02.2014 on the file of the respondent No.2 and quash the same as illegal and consequently, to direct the respondent No.2 to appoint the petitioner for recruitment to the post of Post Graduate Assistant in Economics under Backward Class Women PSTM (Persons Studied under Tamil Medium) category within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R1 : Mrs.S.Srimathy,
Special Government Pleader.

For R2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

**ORDER**

The relief sought for in the present Writ Petition is to quash the impugned provisional selection list for Tamil Medium Reservation in Economics for direct recruitment to the post of Post Graduate Assistant 2011-12, dated 03.02.2014 and to direct the second respondent to appoint the writ petitioner by way of direct recruitment to the post of Post Graduate Assistant (Economics).

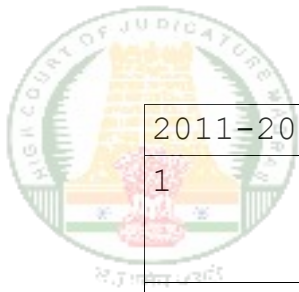
2.The writ petitioner pursuant to the recruitment notification participated in the process of selection for appointment to the post of Post Graduate Assistant. The writ petitioner was successful and her name was included in the provisional selection list. However, the writ petitioner was not selected and included in the final selection list. Thus, the writ petitioner has challenged the provisional selection list mainly on the ground that the writ petitioner studied M.A., and B.Ed., in Tamil medium and therefore, she is entitled to avail PSTM as per the notification.

3.In this regard, the learned counsel appearing on behalf of the writ petitioner solicited the attention of this Court in respect of the conditions stated in the recruitment notification, which is enclosed in page No.35 of the affidavit filed along with the present Writ Petition and the same is extracted hereunder:-

"It may be noted that a merit list was prepared from the eligible candidates who studied PG and B.Ed., degree courses alone in Tamil Medium based on the CV conducted on 04.08.2012, 30.10.2012 & 23.05.2013 and in accordance with the Judgment delivered by Hon'ble Madurai Bench of Madras High Court in W.P.(MD) No.17802&17585 of 2013, dated 27.11.2013."

4.As per the conditions stipulated in the notification, merit list was prepared from the eligible candidates, who studied P.G., and B.Ed., degree courses alone in Tamil Medium based on the certificate verification conducted on 04.08.2012, 30.10.2012 and 23.05.2013.

5.The second respondent filed counter affidavit, stating that as per the orders of the High Court, the respondent Board had published the results and released the provisional selection list as detailed below:-



2011-2012			
1.	Notification by Teachers Recruitment Board	-	Advertisement No.3/2012, dated:28.02.2012
2.	No of vacancies	-	2895
3.	Date of Examination	-	27.05.2012
4.	Date of conduct of certificate verification	-	04.08.2012, 30.10.2012 and 23.05.2013
5.	Results released for all subjects except Tamil	-	18.01.2013
6.	Results of Tamil Medium Preferential Quota in P.G. Economics, Commerce, History etc. as per orders in W.P. (MD) No.17802/2013, dated:27.11.2013	-	03.02.2014
2012-2013			
1	Notification by Teachers Recruitment Board	-	Advertisement No.3/2012, dated:28.02.2012
2	No of vacancies	-	2881
3	Date of Examination	-	21.07.2013
4	Results published for P.G Subjects Geography, Home Science Physical Science Director Grade-I and Bio-Chemistry	-	08.02.2014

6.The writ petitioner has stated in the affidavit that she had undergone B.Ed., degree and M.A., degree in Tamil medium. However, on perusal of the B.Ed., certificate produced by the writ petitioner, it is mentioned that the writ petitioner studied optional subject-I Tamil and optional subject-II-Economics. There is no specific remarks that the writ petitioner had studied B.Ed., in Tamil Medium in the certificate issued by Registrar of Madurai Kamaraj University. The Board has not considered the writ petitioner for selection. Thus, it is contended that the writ petitioner has not produced the relevant certificate, establishing that she had undergone B.Ed., course in Tamil. Thus, her candidature was rejected and not included in the final selection



7.This being the factum, this Court is of the considered opinion that the writ petitioner, who had failed to establish that she had completed B.Ed., course in Tamil medium, is not entitled for the relief as such sought for in the present Writ Petition.

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8.This apart, the selection was of the year 2011-12 and notification was issued in the year 2012. This being the factum, the relief as such sought for in the present Writ Petition cannot be granted. However, if any notification is issued, the writ petitioner is at liberty to participate, if she is otherwise fully eligible and qualified.

9.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

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.LAJAPATHIROY, Advocate (SR-82400[F] dated 20/08/2019)

W.P. (MD)No.2497 of 2014
16.08.2019

JM/26.08.2019/4P/4C