



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) Nos.3234 & 3238 of 2014

and

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

M.A.Dharmendran Thampi ... Petitioner in W.P.(MD)
No.3234/2014

Jayasree V.S. ... Petitioner in W.P.(MD) No.3238/2014

vs.

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

2.The Director of School Education
College Road
Chennai-600 006

3.The Teachers Recruitment Board
D.P.I.Compound
College Road
Chennai-600 006
represented by its Member Secretary

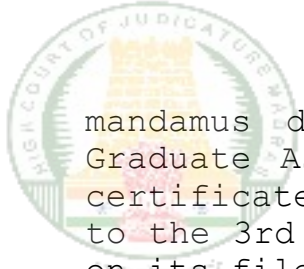
4.The Chairman
Teachers Recruitment Board
D.P.I.Compound
College Road, Chennai-600 006

5.The Director of Elementary Education
College Road
Nungambakkam, Chennai-600 006 ... Respondents in both W.Ps.

PRAYER (in W.P.(MD) No.3234 of 2014): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to appoint the petitioner as Graduate Assistant in Mathematics, pursuant to the verification of certificates conducted by the 3rd respondent on 12.05.2010 pursuant to the 3rd respondent's Kurippanai No.2555/A2/2009 dated 30.04.2010 on its file, within a time stipulated by this Court.

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

PRAYER (in W.P.(MD) No.3238 of 2014): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of



mandamus directing the respondents to appoint the petitioner as Graduate Assistant in Chemistry, pursuant to the verification of certificates conducted by the 3rd respondent on 15.11.2010 pursuant to the 3rd respondent's Kurippanai No.6055/Aa2/2010 dated 01.11.2010 on its file, within a time stipulated by this Court.

For Petitioner : Mr.K.N.Thampi
(in both W.Ps.)

For Respondents : Mr.V.R.Shanmuganathan
(in both W.Ps.) Special Government Pleader

C O M M O N O R D E R

The relief sought for in the present writ petitions is for a direction to the respondents to select and appoint the writ petitioners to the post of Graduate Assistant, based on the certificate verification conducted on 12.05.2010 and 15.11.2010 respectively, by the Teachers Recruitment Board.

2. The very relief sought for in the present writ petitions is misconceived. The first portion of the prayer to direct the respondents to select and appoint the writ petitioners itself cannot be granted. Court cannot issue any direction to the authority concerned to select and appoint the candidate. The candidate should succeed in the process of selection. Then only an appointment order can be issued to him. Thus, the very prayer sought for to direct the respondents to select and appoint the writ petitioners cannot be granted.

3. The second portion of the prayer is to direct the respondents to select and appoint the writ petitioners based on the certificate verification conducted on 12.05.2010 and 15.11.2010 respectively. Based on the certificate verification conducted in the year 2010, the writ petitioners seek selection and appointment by filing a writ petition in the year 2014, after a lapse of four years. Thus, the writ petitions are to be rejected on the ground of laches also.

4. According to the petitioners, the respondents should not insist for passing of Teachers Eligibility Test, in compliance with the orders passed by this Court, in Rev.Apln.No.139 of 2012 and W.A.No.2121 of 2012, dated 09.07.2013. The said prayer is in violation of the mandatory qualification prescribed by the Government of Tamil Nadu pursuant to the directions issued by the National Council for Teacher Education, under the National Educational Policy. Thus, the Teachers Eligibility Test is a mandatory qualification for appointment to the post of Teacher and based on the certificate verification done during the year 2010, the writ petitions filed in the year 2014 cannot be considered for the purpose of issuing a direction to the respondents to select and appoint the writ petitioners in the post of Graduate Assistant.

5. This Court is of the considered opinion that during the

pendency of the present writ petitions, the process of selection underwent many changes and now, the selection to the post of Graduate Assistant is conducted through open competitive process and the Teachers Eligibility Test is also made as a mandatory qualification. This being the factum, the relief as such sought for in the present writ petitions cannot be granted as stated above.

6. Accordingly, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To:

- 1.The Secretary,
School Education Department,
State of Tamil Nadu,
Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The Member Secretary,
Teachers Recruitment Board,
D.P.I.Compound,
College Road,
Chennai-600 006.
- 4.The Chairman,
Teachers Recruitment Board,
D.P.I.Compound,
College Road, Chennai-600 006.
- 5.The Director of Elementary Education,
College Road,
Nungambakkam, Chennai-600 006
+2cc Mr.K.N.THAMPI ,Advocate, SR.No. 78078,78076

W.P. (MD) Nos.3234 & 3238 of 2014

and

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