



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5528 of 2015

and

M.P. (MD) Nos.1, 3 and 4 of 2015

P.Bagampiriyal

... Petitioner

-Vs-

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

2.The Teachers Recruitment Board,
Represented by its Secretary,
4th Floor, EVK Sampath Maaligai, DPI Compound,
College Road, Chennai-600 006.

3.The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai-6.

4.M.Moorthi

... 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 dated 20.03.2015 on the file of the respondent No.2 published in the respondent No.2 website and quash the same as illegal and consequently for a direction, to direct the respondent No.2 to follow the 200 point roster system for filling up the post of Computer Instructor as enunciated in the Government Order in G.O.Ms.No.65, dated 27.05.2009, within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 and R3 : Mrs.S.Srimathy,
Special Government Pleader.
For R2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.
For R4 : No Appearance

**ORDER**

The selection list of candidates dated 20.03.2015 to the post of Computer Instructor published by the second respondent is sought to be quashed in the present Writ Petition. Further direction is sought for to direct the second respondent to follow the 200 point roster system for filling up the post of Computer Instructor as enunciated in the Government Order in G.O.Ms.No.65, dated 27.05.2009.

2.Adjudication of the entire facts and the grounds in the Writ Petition is unnecessary, in view of the fact that the challenge is made against the selection list of candidates. Pursuant to the selection list, the process of selection had been concluded and the selected candidates were appointed as Computer Instructors. Thus, the relief as such sought for to quash the selection list cannot be granted at this length of time and therefore, the adjudication of entire facts has no relevance.

3.The learned counsel appearing for the writ petitioner states that the qualifications prescribed for Post Graduate Assistant for academic year under the Special Rules for the Tamil Nadu Higher Secondary Education had not been followed by the official respondents for the purpose of appointment of Computer Instructors in the Education Department.

4.In this regard, this Court is of an opinion that at the time of undertaking the process of selection and appointment, the competent authority is bound to follow the recruitment rules in force strictly. Now, after a lapse of about 4 years, the official respondents have to follow the recruitment rules in force, as of now, for appointment to the post of Computer Instructor.

5.This being the factum, the official respondents are directed to follow the service recruitment rules including the Educational Notification and other criterias strictly and without any deviation and violation, at the time of undertaking the process of selection to the post of Computer Instructor. The writ petitioner is also at liberty to participate in the forthcoming process of selection, if any notification is issued and if the writ petitioner is fully qualified, she shall participate in the process of selection. Even in respect of the appointment already made, if thus appointment is illegal or irregular then the writ petitioner is at liberty to challenge the same after she has chosen to do so or advised to do so. However, the quashing of the selection list at this juncture is not preferable and the same cannot be done, in view of the fact that the selected candidates were already appointed and serving in the Education Department for the past more than four years. Liberty is granted to approach the authorities, if any, grievance is exists.



6.With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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

2.The Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai, DPI Compound,
College Road, Chennai-600 006.

3.The Director of School Education,
O/o.The Director of School Education,
DPI Campus, Chennai-6.

+1 CC to M/s.SPL GP (SR-82999[F] dated 22/08/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-83140[F] dated
22/08/2019)

W.P.(MD)No.5528 of 2015
21.08.2019

Myr
MS/04.09.2019/3P.6C