



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) Nos.6170 and 6171 of 2015

and

M.P. (MD)Nos.2 and 2 of 2015

K.Parthiban ... Petitioner in W.P.(MD)No.6170 of 2015
O.V.Kirutheka ... Petitioner in W.P.(MD)No.6171 of 2015

-Vs-

1.The Secretary to Government,
School Education, Fort St. George,
Chennai-600 009.

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

3.The Director,
Department of Employment and Training,
Guindy, Chennai-600 032.

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

... Respondents
in both Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned provisional selection list of candidates for the post of Computer Instructors, 2014 of the fourth respondent, dated 20.03.2015 and quash the same and consequently, to direct the fourth respondent to include the petitioners' name in provisional selection list of candidates for the post of Computer Instructor 2014 as reserved for priority basis seniority.

For Petitioner : Mr.J.Balameenakshi
(in both Writ Petitions)
For Respondents : Mr.V.R.Shanmuganathan,
(in both Writ Petitions) Special Government Pleader.



COMMON ORDER

The selection list of candidates dated 20.03.2015 to the post of Computer Instructor published by the fourth respondent is sought to be quashed in the present Writ Petitions. Further direction is sought for to direct the fourth respondent to include the petitioners' name in provisional selection list of candidates for the post of Computer Instructor 2014 as reserved for priority basis seniority.

2.Adjudication of the entire facts and the grounds in the Writ Petitions 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 petitioners 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 petitioners are also at liberty to participate in the forthcoming process of selection, if any notification is issued and if the writ petitioners are fully qualified, they 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 petitioners are at liberty to challenge the same after they have 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 petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education, Fort St. George,
Chennai-600 009.

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+2 CC to M/s.J . BALA MEENAKSHI, Advocate (SR-83040 & 83041[F]
dated 22/08/2019)

W.P. (MD) Nos.6170 and 6171 of 2015
21.08.2019

myr

JM/05.09.2019/3P/7C