



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1146 of 2019

against

WP (MD)No. 22424 of 2018

and

C.M.P (MD)Nos.10154 & 10155 of 2019

Vadivukarasi

... Appellant/Petitioner

Vs.

1.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 06.

2.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai.

3.The Director of School Education,
Directorate of School Education,
Chennai.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent,
against the order made in W.P(MD)No.22424 of 2018 dated 04.12.2018.

Prayer in WP(MD). 22424/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining to the undated impugned online order published by the 1st respondent and quash the same and direct the 1st respondent to recruit the petitioner for Direct Recruitment of Special Teachers (Drawing) in School Education and other Departments for the years 2012 to 2016 in Schedule Caste Women Tamil Category and pass such further or other orders.

For Appellant

: Mr.K.Navaneetharaja

For Respondents

: Mr.V.R.Shanmuganathan,

Special Government Pleader



1
JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

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Heard Mr.K.Navaneetharaja, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2. By consent of either side, the writ appeal is taken up for final disposal.

3. The appellant filed the writ petition challenging the undated online information published by the first respondent whereby the name of the appellant was not considered for selection as a Special Teacher in (Drawing) in School Education Department on the ground that the appellant has not secured the cut-off mark for the candidates belonging to Schedule Caste community.

4. The appellant/writ petitioner's case before the writ Court was that she is entitled to be considered under the reservation for the persons, who have undergone the course of study in Tamil Medium. The appellant on completion of SSLC in the year 1996 and HSC course in the year 1998, had undergone Higher Grade (Free Hand Outline and Model Drawing) at the Government Technical Examinations conducted by the Government in the year 1997 and passed in second class. A certificate to the said effect was given by the Directorate of Government Examinations dated 27.05.1998. Thereafter, the appellant has also secured 12th standard qualification and completed Technical Teachers Certificate Course and registered her name in the employment exchange.

5. Pursuant to the notification issued by the first respondent Board, the appellant applied for being selected as Special Teacher(Drawing). According to the appellant, the entire course of study was in Tamil Medium ie., from SSLC onwards till the technical qualification obtained by the appellant. However, the application form published by the first respondent Board does not provide for a column to enter the medium of instruction insofar as the Technical qualification obtained by the appellant. Therefore, it is submitted that the appellant should be considered in the seats reserved for PSTM and if it is done so, the appellant would have been selected.

6. The case of the appellant before the Writ Court was that the appellant at the time of certificate verification had produced the certificates dated 30.07.2018 and 31.07.2018 to certify that the entire course of study was in Tamil Medium.



7. The first respondent Board filed a counter affidavit specifically denying such averment stating that no such certificate was produced by the appellant during the course of certificate verification.

8. Considering the said submission made by the first respondent Board, the writ petition was dismissed on the ground that the appellant cannot be considered under the category reserved for the people who have studied in Tamil Medium as she did not produce the requisite certificate in the requisite format when applications were called for to fill up the said posts.

9. The issue as to whether there was a possibility of issuing such certificate was considered in a batch of cases by the Principal Bench in W.P.Nos.28458 of 2018 etc., batch. When the writ petitions were heard by the learned Single Judge, the learned Additional Advocate General appearing for the first respondent Board had stated that no such certificate was issued by the Director of Government Examinations as they were unable to issue such certificate for want of records. Taking note of these submissions and other submissions made before the Court, the writ petitions were allowed by common order dated 12.03.2019.

10. It is informed by the learned Special Government Pleader that the order and directions issued in the batch of cases vide order dated 12.03.2019 have been implemented.

11. We find that the appellant is also similarly placed person. Though the arguments advanced by the appellant before the learned Writ Court in the writ petition was slightly different from the arguments advanced in the batch of cases before the Principal Bench, considering the fact that the similarly placed persons have been granted the relief by the learned writ Court vide order dated 12.03.2019 and is perfectly in order, we find no ground to discriminate the appellant in granting such a relief.

12. For the above said reason, the writ appeal is allowed and the respondents are directed to implement the directions issued in W.P(MD)No.28458 of 2018 etc., batch dated 12.03.2019 in the case of the appellant as well. No Costs. Consequently, connected Miscellaneous are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



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To

1.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
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Chennai - 06.

2.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai.

3.The Director of School Education,
Directorate of School Education,
Chennai.

+1 CC to SPL GP (SR-96708[F] dated 07/11/2019)

+1 CC to Mr.K.NAVANEETHARAJA, Advocate (SR-96811[F] dated
07/11/2019)

JUDGMENT MADE IN
W.A. (MD)No.1146 of 2019
06.11.2019

VB(22.11.2019) 4P 6C