



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.18083 of 2017

and

W.M.P.(MD)Nos.14542 and 14543 of 2017

P.Jeyaprakash

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Chennai.

2.The Director of School Education,
O/o. The Directorate of School Education,
DPI Compound, College Road, Chennai.

3.The Chairman,
Teachers Recruitment Board,
O/o. The Teachers Recruitment Board,
Chennai.

4.The Chief Educational Officer,
O/o. Chief Educational Officer,
Tallakulam, Madurai.

... Respondents

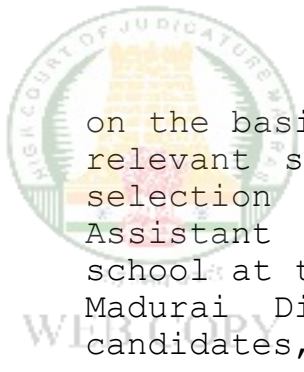
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to conduct counselling afresh for the purpose of allotment of places on the basis of the marks / ranking secured by the candidates in the relevant subject pursuant to the publication of the provisional selection list of candidates for appointment to the post of P.G. Assistant (Zoology) and consequentially direct the respondents to allot the school at the choice of the petitioner preferably in and around the Madurai District having the regard to the marks secured by the candidates, within a period that may be stipulated by this Court.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel, For M/s.Ajmal Associates.
For Respondents	: Mr.A.Thiagarajan, Government Advocate.

ORDER

This Writ Petition is filed to direct the respondents to conduct counselling afresh for the purpose of allotment of places,

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



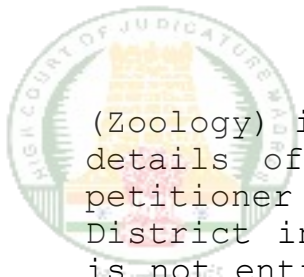
on the basis of the marks / ranking secured by the candidates in the relevant subject, pursuant to the publication of the provisional selection list of candidates for appointment to the post of P.G. Assistant (Zoology) and to direct the respondents to allot the school at the choice of the petitioner, preferably in and around the Madurai District, having regard to the marks secured by the candidates, within a period that may be stipulated by this Court.

2. According to the petitioner, he was selected as P.G. Assistant (Zoology). The counselling for allotment of school was conducted on 19.09.2017 in Elango Corporation Higher Secondary School, Shenoy Nagar, Madurai-20. The petitioner has attended the counselling and his certificates were verified in the forenoon itself. However, he was called only in the afternoon for selection of school on his choice. By that time, all the vacancies in Madurai District were filled up and the petitioner has selected Government Boys Higher Secondary School, Manamelkudi in Pudukkottai District. According to the petitioner, he has obtained 98 marks and he has preference to choose the school on his choice over other candidates. In all other centres, counselling was held in forenoon itself and the respondents have not explained why the petitioner was called for only in the afternoon session and prayed for allowing this Writ Petition.

3. The fourth respondent has filed counter affidavit. The learned Government Advocate appearing for the respondents contended that the vacancy position in Madurai District was uploaded in the website and displayed in the notice board in the counselling centres. The counselling for choosing the school within the same District was conducted in the forenoon. There was no vacancy for the post of P.G. Assistant (Zoology) in Madurai District. Therefore, the counselling for choosing the school was conducted in the afternoon and the petitioner has chosen Government Boys Higher Secondary School, Manamelkudi in Pudukkottai District and joined in the said school. The appointment order will be given in the counselling only for the vacancy in the school and a candidate is entitled to choose the school and there was no preference given to other candidates and prayed for dismissal of the Writ Petition.

4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

5. The grievance of the petitioner is that instead of conducting counselling in the forenoon for choosing the school, the counselling was conducted in the afternoon and by that time, all the vacancies in Madurai District were filled up. On the other hand, in the counter affidavit, the respondents have stated that the vacancy position was uploaded in the website and displayed in the notice board and there was no vacancy for the post of P.G. Assistant



(Zoology) in Madurai District. The petitioner has not furnished any details of the candidates, who have secured less marks than the petitioner and who was allowed to choose the school in Madurai District in forenoon session. In view of the same, the petitioner is not entitled for the relief sought for in the Writ Petition. At the time of hearing on 24.09.2019, this Court directed the learned Government Advocate to get instructions with regard to the availability of the vacancy within the Madurai District. On written instructions, the learned Government Advocate has submitted that there are three vacancies available in Madurai District, but the same can be filled up as per the guidelines issued in G.O.(1D). No.218, Education Department, dated 20.06.2019.

6.Considering the above materials, the petitioner is directed to give a representation for his transfer to the second respondent. If such representation is given, the second respondent is directed to consider the petitioner's request and pass orders on merits and in accordance with law.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

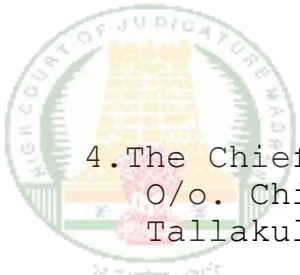
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Sub Assistant Registrar(CS)

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Chennai.
- 2.The Director of School Education,
O/o. The Directorate of School Education,
DPI Compound, College Road, Chennai.
- 3.The Chairman,
Teachers Recruitment Board,
O/o. The Teachers Recruitment Board,
Chennai.



4.The Chief Educational Officer,
O/o. Chief Educational Officer,
Tallakulam, Madurai.

+1 CC to SPL GP (SR-94241[F] dated 24/10/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-94367[F] dated
24/10/2019)

W.P. (MD) No.18083 of 2017
23.10.2019

VB(25.11.2019) 4P 7C