



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.19523 of 2017

K. Pandiyaraj

..Petitioner

Vs

1. The Teachers Recruitment Board
Represented through its
Chairman
4th Floor, E.V.K.Sambath Maligai
College Road, Chennai - 600 006

2. The Director of School Education Department
No.17, College Road
West Thousand Lights
Chennai - 600 008

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to give appointment to the petitioner for the post of 'Post Graduate Assistant (Commerce)', as per selection list of the year 2016-2017 of the 1st respondent published in their official web site and pass such other orders as this Court may deem fit and proper.

For Petitioner : Mr.R.R.Gowrishankar
For Respondents : For R1 - Mr.V.R.Shanmuganathan
Special Government Pleader
For R2 - Mr.M.Karuppusamy
Government Advocate

O R D E R

This Writ Petition is filed to direct the respondents to give appointment to the petitioner for the post of 'Post Graduate Assistant (Commerce)', as per selection list for the year 2016-2017, published by the 1st respondent in their official web site.

2. Mr.V.R.Shanmuganathan, learned Special Government Pleader and Mr.M.Karuppusamy, learned Government Advocate take notice for the respondents.



3. Heard both sides and perused the documents available on record.

4. A perusal of the documents reveal the fact that the petitioner herein had applied for the post of 'Post Graduate Assistant (Commerce)' and had secured 99 marks in the written examination. Subsequently, he was provisionally selected for the said post. In the meantime, it was found that the petitioner was involved in the Criminal case in Crime No.277 of 2015 and therefore he was not sponsored to the user Department, in view of the pendency of the criminal case.

5. Aggrieved over the same, the petitioner had filed the present Writ petition seeking for a direction to the respondents to appoint him for the post of 'Post Graduate Assistant (Commerce)', as per the selection list for the year 2016-2017, published by the 1st respondent.

6. The respondents herein had filed a counter affidavit stating that the petitioner was provisionally selected for the said post and was not given appointment order, since the criminal case is pending against him. The counter affidavit signed by the Member (School Education) (Director of School Education) Teachers Recruitment Board, Chennai) also states that the Board would consider him for selection, after he is exonerated from the criminal case arising out of the Crime No.277 of 2015.

7. Since the Regulation provides that when a criminal case is pending against a person to be appointed to the post of 'Post Graduate Assistant (Commerce)', there would be no infirmity on the part of the respondent in denying appointment to the petitioner. Nevertheless, in view of the specific statement made by the respondent in the counter affidavit, whenever the petitioner is exonerated from the charges in the criminal case, it would be open to the the petitioner to approach the respondent seeking for appointment order and that the Board would also consider his selection. As such, no effective orders can be passed in the prayer sought for by the petitioner in the present writ petition.

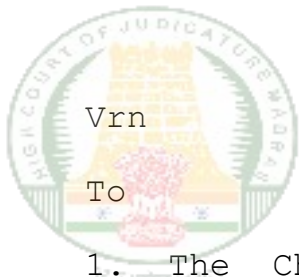
8. Recording the statements made in the counter affidavit, the Writ Petition is closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



1. The Chairman
Teachers Recruitment Board
4th Floor, E.V.K.Sambath Maligai
College Road, Chennai - 600 006.

2 The Director of School Education Department
No.17, College Road
West Thousand Lights
Chennai - 600 008

+1 CC to Mr.R.GOWRI SHANKAR, Advocate (SR-103332[F] dated
04/12/2019)

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VB(30.12.2019) 3P 4C