

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 10628 OF 2013

D.Jeyakumari

..Petitioner

- Vs -

1. The State of Tamil Nadu
rep. By its Secretary
Department of School Education
Fort St. George, Chennai - 9.

2. The Teachers Recruitment Board
rep. By its Chairman
EVK Sampath Maligai
DPI Compound, College Road
Chennai - 600 006.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 2nd respondent herein to appoint the petitioner to the post of Teacher for classes VI to X as per the written examinations results in Roll No.12TE30850588.

For Petitioner : Mr.G.Ramadurai

For Respondents : Mr. R.Sureshkumar, GA for R-1
Mr. C.Munusamy, Spl. G.P. For R-2

ORDER

It is the case of the petitioner that she participated in the selection process for appointment to the post of teachers in Class VI to X in the Government schools. She took part in the written examination and passed out successfully and she was called for certificate verification, for which the petitioner appeared. Thereafter, she was eagerly waiting for the appointment, but to her dismay the 2nd respondent published the list of selected candidates on 8.12.12 and the petitioner's name was not one among them. No separate order was passed by the 2nd respondent assigning any specific detail for her non-selection. Therefore, the present writ petition was filed for the relief above.

2. Learned counsel appearing for the petitioner submitted that at the time of calling applications from candidates no rule or notification was issued in regard to one year B.Lit course as not being eligible for the said post. However, curiously, at the final stage of declaration of result, she was not selected citing the above. Therefore, non-selection of the petitioner citing the above, which is not part of any rule or notification is wholly unsustainable.

3. Per contra, learned Special Government Pleader appearing for the 2nd respondent submitted that the selection process has been completed way back in the year 2013. The petitioner was not found fully qualified for the said post as she was not having the requisite qualification of B.Lit degree and, therefore, her candidature was rejected.

4. At this juncture, learned counsel appearing for the petitioner submitted that if that be the case, the 2nd respondent ought to have communicated its decision and reason for non-selection of the petitioner, which has not been done till date. He further submits that the petitioner would agitate her rights in a manner known to law, if the decision of non-selection is communicated to the petitioner.

5. This Court heard the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. Though very many contentions have been advanced, however, learned counsel appearing for the petitioner submitted that this Court may direct the 2nd respondent to communicate its decision as to the non-selection of the petitioner so that the petitioner can work out her remedies in a manner known to law.

7. In such circumstances, this Court, without going into the merits of the issue, directs the 2nd respondent to communicate its decision as to the non-selection of the petitioner, to the petitioner, within a period of three months from the date of receipt of a copy of this order and the petitioner is at liberty to work out her remedies in a manner known to law.

8. This writ petition is disposed of with the aforesaid directions. However, there shall be no order as to costs. It

is made clear that the order passed in this petition shall not be cited as a precedent in any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary
Department of School Education
Government of Tamil Nadu
Fort St. George, Chennai - 9.

2. The Chairman
Teachers Recruitment Board
EVK Sampath Maligai
DPI Compound, College Road
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.24876

W.P. NO. 10628 OF 2013

VD(CO)
KKV/07/08/2020



WEB COPY