

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON 10.12.2020

ORDER DELIVERED ON 21.12.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NOS.232, 494, 520, 2600 & 16263 OF 2020

AND

W.M.P.NOS.266, 578, 575, 612 & 20325 OF 2020

W.P.No.232 of 2020

S.Nithya

... Petitioner

Vs

1. The Chairman,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

2. The Director of School Education,
College Road,
Chennai - 600 006

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus to call for the records relating to the first respondent's nil proceedings dated 03.01.2020, to quash the same insofar as Sl.No.40 i.e., the petitioner is concerned and to consequently direct the respondents to consider the claim of the petitioner on merits and to select and appoint her to the post of Computer Instructors Grade-I (Post Graduate Cadre) pursuant to the Notification No.09/2019 dated 01.03.2019.

For Petitioners

:

Mr.L.Chandrakumar

For Respondents

:

Mr.P.Raja,
Government Advocate for R2
Mr.Vijay Narayan
Advocate General
assisted by
Mr.C.Munusamy,
Special Government Pleader
for R1

W.P.No.494 of 2020

1. T.Rajalakshmi
2. M.Kavitha

... Petitioners

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Education Department,
Fort St.George,
Chennai - 600 009.

2. Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Declaration declaring that the rejection of the candidature of the petitioners having Roll Numbers 4504314 and 2300520 respectively for the post of Computer Instructor Grade-I by the 2nd respondent is arbitrary, violative of Articles 14 and 16 of the constitution of India and consequently direct the 2nd respondent to select the petitioners for the post of Computer Instructor grade-I pursuant to Notification No.09/2019 dated 01.03.2019 for the year 2018-19 taking note of the marks obtained by the petitioners in the online computer based examination held by the 2nd respondent on 23.06.2019.

For Petitioners : Mrs.Nalini Chidambaram,
Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.P.Raja,
Government Advocate for R1
Mr.Vijay Narayan
Advocate General
assisted by
Mr.C.Munusamy,
Special Government Pleader
for R2

W.P.No.520 of 2020

C.Krishnan

... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education Department, Secretariat,
Chennai - 600 009.
2. Member Secretary,
Teachers Recruitment Board, (TRB)
College Road,
Near Sankara Nethralaya,
Subba Road Avenue,
Nungambakkam,
Chennai - 600 006.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus to call for the records in the Rejection List After 1st Level Certificate Verification dated 3.1.2020 issued by respondent No 2 Board and quash the same so far as the petitioner is concerned and directing respondent No.2 Board to consider the petitioner eligible for the post of Computer instructor grade I (PG Cadre) notified for direct recruitment vide Notification No.9 of 2019 dated 1.3.2019 issued by the respondent No.2-Board.

For Petitioners : Mr.K.Jayaraman

For Respondents : Mr.Vijay Narayan
Advocate General
assisted by Mr.C.Munusamy,
Special Government Pleader for R2
Mr.P.Raja,
Government Advocate for R1

W.P.No.2600 of 2020

S.S.Beena

... Petitioner

सत्यमेव जयते
Vs

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Education Department, Fort St.George,
Chennai - 600 009.
2. Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Declaration declaring that the rejection of the candidature of the petitioner having Roll Numbers 19PGI 1101177 for the post of Computer Instructor Grade-I by the 2nd respondent is arbitrary, violative of Articles 14 and 16 of the constitution of India and consequently direct the 2nd respondent to select the petitioner for the post of Computer Instructor Grade-I pursuant to Notification No.09/2019 dated 01.03.2019 for the year 2018-19 taking note of the marks obtained by the petitioners in the online computer based examination held by the 2nd respondent on 23.06.2019.

For Petitioners : Mr.Concious Ilango

For Respondents : Mr.Vijay Narayan
Advocate General
assisted by Mr.C.Munusamy,
Special Government Pleader for R2
Mr.P.Raja,
Government Advocate for R1

W.P.No.16263 of 2020

S.Vijayalakshmi ... Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Education Department, Fort St.George,
Chennai - 600 006.
2. Teachers Recruitment Board,
rep. by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Declaration declaring that G.O.Ms.No.361, School Education Department dated 31.12.1999 is not applicable to the post of Computer Instructor Grade-I and consequently direct the 2nd respondent to select the petitioner who is qualified for the post of Computer Instructor Grade -I pursuant to Notification No.09/2019 dated 01.03.2019 for the year 2018-19.

For Petitioners : Mrs.Nalini Chidambaram,

Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.Vijay Narayan
Advocate General
assisted by Mr.C.Munusamy,
Special Government Pleader for R1
Mr.P.Raja,
Government Advocate for R2

C O M M O N O R D E R

The matter is taken up through web hearing.

These writ petitions have been filed challenging the action of the respondents in disqualifying them on the ground that these petitioners have cross major qualification and therefore, not eligible to be considered for appointment.

2. Mrs.Nalini Chidambaram, learned Senior Counsel appearing for the petitioners would submit that appointment is to the post of Computer Instructors Grade-I (Post Graduate) and therefore, the disqualification envisaged in the notification is irrational, unreasonable and arbitrary. According to the learned Senior Counsel, the educational qualification prescribed in the notification was to be in terms of G.O.Ms.No.26 School Education Department dated 12.02.2019. These petitioners have fulfilled the qualification as per the said G.O., despite the said fact, they were found to be disqualified. Learned Senior Counsel would also refer to G.O.No.361, School Education Department dated 31.12.1999, wherein the G.O. provided qualification in the same subject both in Bachelor and Master Degree. She would submit that the said stipulation may not have any nexus to the appointment of Computer Instructor as the scope of Computer Instructor is entirely different than the normal teachers, who are appointed to teach subjects like Science, Maths, History, English etc. Therefore, insisting on the same subject for both Bachelor and Master degree for appointment to the post of Computer Instructors is not a valid condition at all.

3. This Court is unable to appreciate the submission of the learned Senior Counsel and the other Counsels for the simple reason that in the notification itself in sub-para (b)(iv) of para 4, it is clearly stipulated as under.

"As per G.O.Ms.No.361 School Education Department dated 31.12.1999, candidates should have studied the same subject or the equivalent subject in

Bachelor's Degree ad Master's Decree."

4. Having accepted the terms of the notification and appeared for the examination, it does not lie in the mouth of the candidates to challenge the stipulation after the declaration of the results of the examination. It is trite in law to hold that when a candidate participates in the competitive examination and on conclusion of the same, he/she is estopped from questioning the conditions of the notification after the examination or after he/she was declared unsuccessful in the selection.

5. Therefore, these petitioner, with their eyes wide open having participated in the examination, cannot be allowed to assail one of the conditions stipulated in the publication. On this short view of the matter, this Court is not inclined to go into the relevance and purpose of insistence of same subject in both Bachelor and Master degree for appointment of Computer Instructor. The right to challenge such condition is deemed to have been waived by the candidates once, he/she chosen to participate in the examination, without demur.

6. In view of the above, these Writ Petitions stand dismissed as without having any substance. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

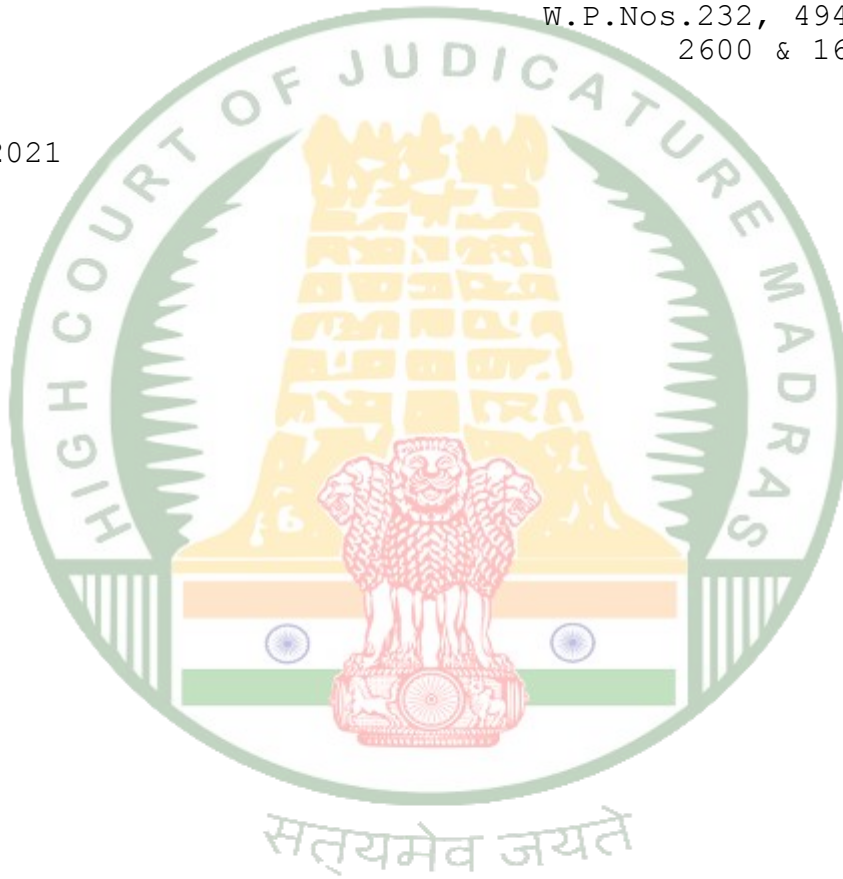
1. The Chairman,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.
2. The Director of School Education,
College Road,
Chennai - 600 006
3. The Secretary to Government,
Education Department,
Fort St.George,
Chennai - 600 009.

4. The Member Secretary,
Teachers Recruitment Board, (TRB)
College Road,
Near Sankara Nethralaya,
Subba Road Avenue,
Nungambakkam,
Chennai - 600 006.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.42120
+2cc to M/S.C.Uma, Advocate, S.R.No.42227 & 42226
+1cc to the Government Pleader, S.R.No.42500 & 42633

W.P.Nos.232, 494, 520, 575,
2600 & 16263 of 2020

SSD(CO)
CS/03/03/2021



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