

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.858 of 2020

and

WMP No.1031 of 2020

K.Ashok Kumar

...Petitioner

Vs.

1. The Principal Secretary to Government,
State of Tamil Nadu,
Department of Higher School Education,
Fort St. George,
Chennai - 600 009.

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

3. The Member (School Education),
Teachers Recruitment Board,
Chennai 600 006.

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in the proceedings of the third respondent in R.C.No.1396/L3/PG/2018 dated 04.12.2018 and to quash the same and subsequently, call the petitioner for certificate verification.

For Petitioner : Mr.N.Ganeshmurthy

For Respondents : Mr.A.Raja perumal
Additional Government Pleader
for R1
Mr.C.Munusamy
Special Government Pleader
for R2 and R3

O R D E R

By consent, this writ petition is taken up for final disposal.

2. This writ petition has been filed challenging the proceedings of the 3rd respondent rejecting the candidature of the petitioner, who participated in the selection to the post of PG Assistant in Chemistry.

3. The case of the petitioner is that the Teachers Recruitment Board had called upon applications for filling up the post of Post Graduate Assistant during the year 2016-17. The petitioner was not selected and therefore, he approached this Court on the ground that he is entitled to be awarded three marks and if the same is granted to the petitioner, he will be eligible to participate in the selection.

4. This Court passed final orders in WP No.3425 of 2018, dated 04.07.2018, directing the respondents to consider the request made by the petitioner for grant of three marks and if found qualified to permit the petitioner to participate in the certificate verification.

5. Subsequent to the orders passed by this Court, the petitioner made a representation to the respondents 2 and 3. The 3rd respondent by his proceedings dated 04.12.2018, after considering the claim made by the petitioner and the orders passed by this Court in other writ petitions, come to conclusion that the petitioner is only entitled for an additional one mark and thereby, the petitioner scored a total of 74 marks. The cut-off mark that was prescribed for a BC candidate was 75 marks. Since the petitioner did not fulfill the minimum marks, he was not found eligible for certificate verification and further process of selection. Thereby, the 3rd respondent rejected the claim made by the petitioner. This order has been challenged after nearly one year before this Court.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

7. It is seen from records that the Teachers Recruitment Board has even started the subsequent selection by carrying forward the vacancies and at this point of time, this Court cannot interfere with the selection. The selection insofar as 2016-2017 is concerned, is already over and the petitioner has approached this Court with a substantial delay. The only reason assigned by the petitioner is that he was suffering from some health problems. The delay has virtually taken away the rights of the petitioner, since the selection itself is over and no orders can be passed by this Court at this stage and more

particularly, since, the subsequent selection process has already commenced. This Court does not find any merits in this writ petition and Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Department of Higher School Education,
Fort St. George,
Chennai - 600 009.
2. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai 600 006.
3. The Member (School Education),
Teachers Recruitment Board,
Chennai 600 006.

+1cc to Mr.N.Ganesh Murthy, Advocate, S.R.No. 3672
+1cc to the Government Pleader, S.R.No. 4381

सत्यमेव जयते

W.P.No.858 of 2020

RK (CO)
GN (24/02/2020)

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