

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.1649 of 2020
and W.M.P.No.1926 of 2020

K. Manivannan

... Petitioner

Vs.

1.The Secretary to the Government
School Education Department,
Secretariat, Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
O/o, 4th Floor, E.V.K. Sampath Maligai
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, calling for the records relating to the impugned order, dated 20.11.2019 issued by the second respondent and quash the same as illegal insofar as it relates to petitioner and direct the second respondent to select the petitioner to the post of P.G.Assistant under Tamil Medium category as per Notification No.10/2019 issued by second respondent.

For Petitioner : Mr. S. Udhaya Kumar

For Respondents: Mrs. V. Annalakshmi, for R1
Government Advocate
Mr. C. Munnusamy, for R2
Special Government Pleader

सत्यमेव जयते
O R D E R

The present writ petition has been filed challenging the impugned order passed by the second respondent dated 20.11.2019 insofar as rejecting the candidature of the petitioner and for consequential direction to select the petitioner to the post of P.G.Assistant under PSTM category.

2. The second respondent issued a notification dated 12.06.2019 calling for applications from candidates to fill up the post of Post Graduate Assistants/Physical Education Directors Grade-I. The petitioner also applied for the said

selection under the PSTM category. It is seen from the notification that there are totally four posts which are reserved under this category. The petitioner wrote the written examination and he qualified and thereafter, he was called for certificate verification. Thereafter, a list was published by the second respondent wherein, the candidature of the petitioner was rejected on the ground that he does not fulfill the requirement. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner would submit that as per the notification, the petitioner should have completed both the post graduation as well as B.Ed., Degree in Tamil Medium. The learned counsel submits that the petitioner satisfied both the requirements. In order to substantiate the same, the petitioner also produced the certificates dated 16.10.2019 and 30.10.2019 which shows that the petitioner has completed P.G. Degree as well as B.Ed., in Tamil Medium. The learned counsel submitted that based on the message received by the petitioner from the second respondent, the petitioner has uploaded these two documents and thereafter, the petitioner was also called for certificate verification. Therefore, the learned counsel submits that the reasons assigned by the second respondent for the rejection of the candidature of the petitioner is unsustainable.

4. Per contra, learned Government Advocate appearing on behalf of the respondents submitted that as per the notification, the petitioner has to obtain certificates prior to the last date of submission of the application which is 15.07.2019. The learned counsel further submitted that admittedly in this case, the certificates have been obtained by the petitioner only on 16.10.2019 and 30.10.2019 respectively and the same is well beyond the last date for submission of the application. The learned counsel further submitted that the persons claiming under the PSTM category apart from completing the course in Tamil Medium, must also upload the certificate in the prescribed format within the time stipulated under the notification, failing which the candidature is liable to be rejected. Therefore, the learned counsel concluded her arguments by submitting that the rejection of the candidature of the petitioner does not require interference of this Court.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. The main issue to be considered by this Court is whether the petitioner should have obtained and submitted the

relevant certificates to claim under the PSTM category before the last date of submission of the application i.e., 15.07.2019.

7. It is clear from the notification that there are two separate clauses which deal with the submission of the certificates. Under Clause 4 which talks about qualification, the note that has been appended to the same is extracted hereunder:-

"Note:

All qualifying / equivalent certificates should have been obtained prior to the last date for submission of filled-in online applications."

8. The next Clause relevant is Clause No.5. Clause No.5 (c) is extracted hereunder:-

"5. How to Apply?

c) Evidence for claims made by the candidate while applying online should be submitted by the candidate at the time of Certificate Verification, if called for."

9. It is clear from the above Clauses extracted from the notification that what is relevant under Clause 4 are the basic qualification certificates that are required even to participate in the selection. These certificates must have been obtained prior to the last date for submission of the application. Admittedly, there is no quarrel with regard to the fact that the petitioner has obtained these certificates before the last date of submission of the application.

10. In cases where a candidate makes his or her claim under a category, then it is important for the candidate to submit the evidence for making such a claim. Clause 5 says that the evidence for such claim by the candidate should be submitted by the candidate at the time of certificate verification. Therefore, there is a marked difference between the requirements under Clause 4 and Clause 5 of the notification.

11. In the present case, the second respondent had sent a message to the petitioner to upload the certificates in the prescribed format since the petitioner was claiming under PSTM category. The petitioner had uploaded the certificates dated 16.10.2019 and 30.10.2019. Thereafter, the petitioner was called for certificate verification. It is clear that the petitioner had obtained the certificates in the prescribed format well before the date on which the petitioner was called to upload the certificates in the website.

12. In the considered view of this Court, the second respondent was not right in rejecting the candidature of the petitioner on the ground that the petitioner has obtained the certificates in the prescribed format only after the last date for submission of the application i.e., after 15.07.2019. The very basis on which the candidature of the petitioner has been rejected is illegal and it requires interference of this Court. It is clearly seen that the petitioner has obtained the relevant certificates to prove that the petitioner has completed both P.G. as well as B.Ed., in Tamil Medium. Therefore, the certificates will have to be necessarily taken into consideration by the second respondent. The petitioner must be permitted to participate in the selection.

13. In view of the above discussion, the rejection of the candidature of the petitioner by the second respondent is hereby quashed and the second respondent is directed to take into consideration the certificates given by the petitioner in the prescribed format and scrutinize the same to satisfy itself regarding his eligibility to be considered under the PSTM category.

14. In the result, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.S.IV)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to the Government
School Education Department, Secretariat, Chennai - 600 009.

2.The Chairman, Teachers Recruitment Board,
O/o, 4th Floor, E.V.K. Sampath Maligai
DPI Campus, College Road, Chennai - 600 006.

+1 cc to M/s.S.Udhayakumar, Advocate Sr.No. 11054

+1 cc to The Government Pleader Sr.No. 11835

AKM/14.02.2020/4P-5C /

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