

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16605 of 2013

And

M.P.Nos.1 and 2 of 2013

K.Krishnamoorthy

... Petitioner

Vs.

1.The Government of Tamilnadu
Rep. by its Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.

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

3.The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 herein to select and appoint the petitioner as Post Graduate Assistant Teacher in History in the available Vacancy pursuant to his acquiring all the qualifications in Tamil medium and participation in the written test conducted by the 3rd respondent herein on 27.05.2012 with Roll No.12 PG08260049 by conducting certificate verification for the petitioner.

For Petitioner : Mr.A.R.Suresh

For Respondents: Mr.C.Munusamy

Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 2 and 3 herein to select and appoint the petitioner as Post Graduate Assistant Teacher in History in the available vacancy pursuant to his

acquiring all the qualifications in Tamil medium and participation in the written test conducted by the third respondent herein on 27.05.2012 with Roll No.12 PG08260049 by conducting certificate verification for the petitioner.

2.The case of the petitioner is that the petitioner registered his name in the District Employment Exchange, Thiruvannamalai and after completing his Post Graduation, he got registered with the Professional and Executive Employment Office, Chennai and his seniority date is with effect from 27.09.2011.

3.It is the further case of the petitioner that the third respondent issued an advertisement inviting applications for recruitment to the post of Post Graduate Assistants and Physical Education Director Grade - I through written competitive examination. The selection method is that the candidates will be selected on the basis of written test and weightage marks for the period of wait in Employment Exchange and Teaching Experience. The petitioner applied for the written examination and also secured 68 marks, however, he was not called for certificate verification.

4.It is the further case of the petitioner that the petitioner has undergone his education from School level to Post Graduate level in Tamil Medium and there was specific reservation for candidates who have undergone the courses in Tamil Medium. The petitioner came to know that the third respondent was conducting second certificate verification for the candidates who have undergone courses in Tamil medium. Hence, he approached the third respondent Office where he came to know that the certificate verification was already over. Thereafter, the petitioner made representation to the third respondent and since the said representation was not considered, the petitioner has filed this writ petition.

5.The learned counsel appearing for the petitioner would submit that the petitioner is residing at a remote village which is not yet connected with the internet. Hence, he could not follow the instructions and attend the certificate verification. He would further submit that the petitioner made representation in this regard to the third respondent, however, the third respondent has not considered the said representation. Accordingly, he prayed for allowing the writ petition.

6.Per contra, the learned Special Government Pleader appearing for the respondents would submit that whole selection process was conducted through online and all the instructions were given through online and no personal intimation was given. When such being so, if the petitioner had continuously followed the website, he would have attended the certificate

verification. Without doing so, forcing the Government to issue call letter or paper publication for the second certificate verification is un-sustainable.

7.On a perusal of the entire typed set of papers it is known that the entire selection process was conducted through online and the petitioner is well aware of the selection process. The petitioner followed the online instructions and also appeared before the third respondent belatedly. Hence, the petitioner cannot claim that no personal letter or public notification was issued since such procedure is not available in the selection process. Further, the selection process was over in the year 2013 itself and now after a lapse of seven years, nothing survives for adjudication in this writ petition.

8.The writ petition is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

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

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

3.The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.

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