

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.23236 of 2013

and

Mp. No.1 of 2013

V.S.Balu

...Petitioner

-vs-

The Member
School Education,
Teachers Recruitment Board,
4th Floor,
EVK Sampath Salai,
College Road,
Chennai - 600 006.

...Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue writ of Mandamus directing the respondent to issue order of appointment in favour of the petitioner, within the time frame.

For Petitioner : Mr.T. S.Rajamohan
For Respondents : Mr.S.Suresh Kumar
Government Advocate

ORDER

(This case has been heard through video conference)

This writ petition has been filed for a direction to the respondent to issue order of appointment in favour of the petitioner, within the time frame.

2. The petitioner claims to have passed Diploma in Teacher Training Education and also passed the eligibility test. During the time of certificate verification, he has not produced the requisite equivalent certificate. The respondent refused to receive the evaluation certificate i.e., after the date of certificate verification, i.e., 08.11.2012. It is further averred that similarly placed candidates were given an opportunity to produce the requisite certificates, hence he appeared before the respondent and produced the certificates on 10.12.2012. Though he submitted the requisite certificates, he is yet to receive the order of appointment from the respondent. While so, candidates, who acquired B.Ed have filed writ

petitions with regard to non issuance of appointment orders to them and obtained orders from this Court. Hence, he filed this writ petition seeking for a suitable direction. Pending writ petition, the petitioner also seeks to issue an interim direction to reserve one post of Secondary Grade Teacher to him.

3. Learned counsel for the petitioner submits that earlier directions were issued by this Court to consider the grievances of the petitioners therein similar to that of this petitioner. He fairly submitted that he is not able to contact his client for seven years, hence, he prays before this Court for issuance of an appropriate direction to the respondent in the above regard.

4. Mr.S.Suresh Kumar, learned Government Advocate appearing for the respondent would submit that failure on the part of the petitioner in submission of the requisite certificate leads to rejection of his appointment. Due to laches on the part of the petitioner, he prays for dismissal of the writ petition.

5. Heard the learned counsel on both sides and perused the materials placed on record.

6. Admittedly, the petitioner was selected based on the qualifying marks. But, he failed to furnish the requisite certificate to the respondent at the relevant point of time, which leads to make his appointment ineligible. More so, in view of the lapses and laches on the part of the petitioner, a direction to the respondents to consider his case cannot be issued. The learned counsel for the petitioner also submitted that he is unable to contact his client for over a period of seven years and has not received any instructions to prosecute this writ petition. Moreover, this Court finds that the petitioner cannot, as a matter of right, seeks for appointment to a particular post and this Court also in exercise of the power under Article 226 of The Constitution of India to issue a direction to the respondent to do so. Thus the relief sought for in this writ petition is not maintainable.

7. In the result, there is no merit in this Writ Petition and, accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

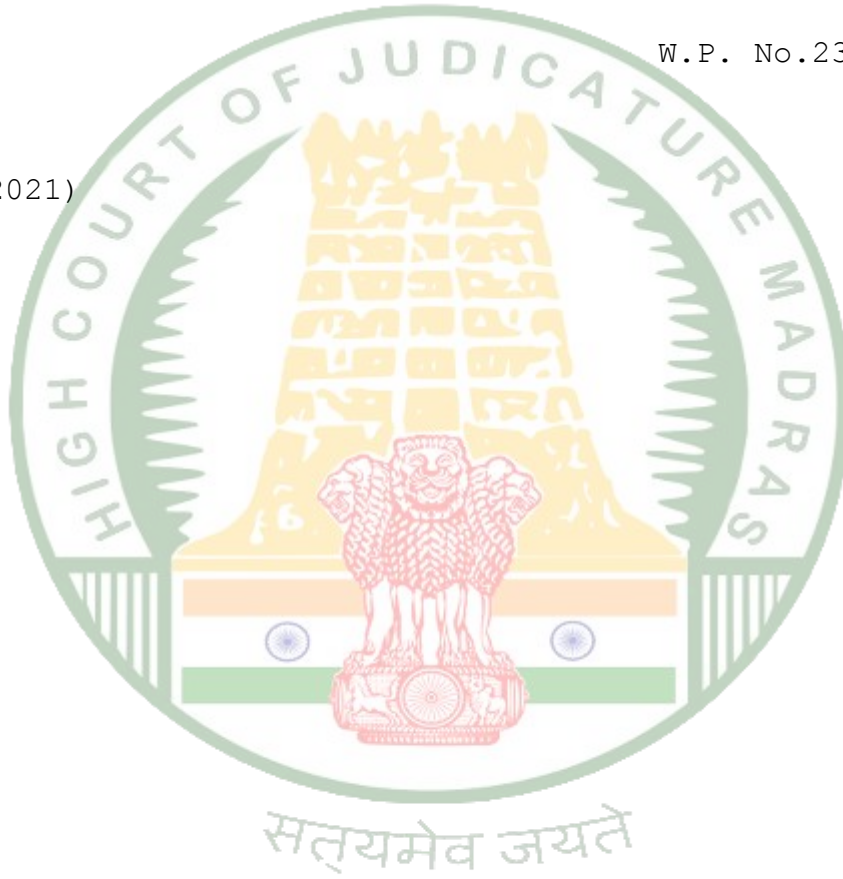
To

The Member
School Education,
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Chennai - 600 006.

+1 CC to The Government Pleader sr 36724.

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SP(06/01/2021)



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