

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 26267 OF 2013
and
M.P.No.1 of 2013

J.Bala Thandayutham

.. Petitioner

- Vs -

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chairman
Teachers Recruitment Board
DPI Campus, College Road,
Chennai 600 006.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondents to select and appoint the petitioner (Roll No.12PG10210119) to the post of PG Assistant Economics based on the selection conducted by the 2nd respondent of the year 2011-2012 by awarding two marks towards weightage marks for the petitioner for the teaching experience and on merits in the selection on par with juniors with consequential and service benefits, within a time frame to be fixed by this Court and pass such other further order.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr. C.Munusamy, Spl. GP for R-2
Mr. S.Suresh Kumar for R-1

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ORDER

It is the case of the petitioner that he is a post-graduate and passed B.Ed. and belongs to Hindu Adi Dravidar Community. The petitioner applied for appointment to the post of P.G.Assistant in Economics pursuant to the notification issued by the 2nd respondent dated 28.2.2012. The petitioner appeared for the written examination on 27.05.2012 and secured 93 marks. On 30.03.2012 the petitioner participated in the certificate

verification process and produced certificate of experience without the counter signature of CEO, Nagapattinam. Subsequently on 6.11.2012, he has produced certificate of experience counter signed by CEO, Nagapattinam. Though the petitioner was awarded with 97 marks including weightage marks for employment exchange seniority, he was not awarded with marks for teaching experience. In this regard, the petitioner submitted representation to the respondents, which has not evoked any response and, therefore, the present petition has been filed for the relief supra.

2. Learned counsel appearing for the petitioner submits that though weightage mark for employment exchange registration has been given to the petitioner, however, weightage marks for teaching experience has not been awarded to the petitioner, thereby, the petitioner has been deprived of three marks. Therefore, he prays for appropriate direction to the respondents to grant the marks and to consider his candidature for selection and appointment.

3. On the above contentions, this Court heard the learned Special Government Pleader appearing for the 2nd respondent and the learned Government Advocate appearing for the 1st respondent and perused the materials available on record.

4. A perusal of the materials available on record reveal that the selection had taken place in the year 2012. However, no interim order has been granted by this Court reserving any post to be kept vacant. Though it is the submission of the petitioner that the certificate of experience was produced by him at the time of certificate verification, however, weightage marks for teaching experience has not been awarded. It is to be pointed out that the entire exercise of selection and appointment relating to the selection process stood completed way back. After a lapse of eight years, when all the posts have been filled up and no post is kept vacant and no interim orders were granted in favour of the petitioner, at this distant point of time, after a lapse of eight years, it would not be justifiable for this Court to reopen the selection and render a verdict. The expert opinion as to the weightage marks awarded by the authorities, cannot be substituted with a judicial opinion as it is within the realm of authorities to decide award of marks based on the verification. Trying to undo a particular selection at this distant point of time would not be in the interest of the persons, who had already been appointed and who have been functioning till date.

5. In such view of the matter, this Court is of the considered opinion that the points canvassed by the petitioner at this length of time cannot be gone into and, accordingly, the

writ petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrs

To

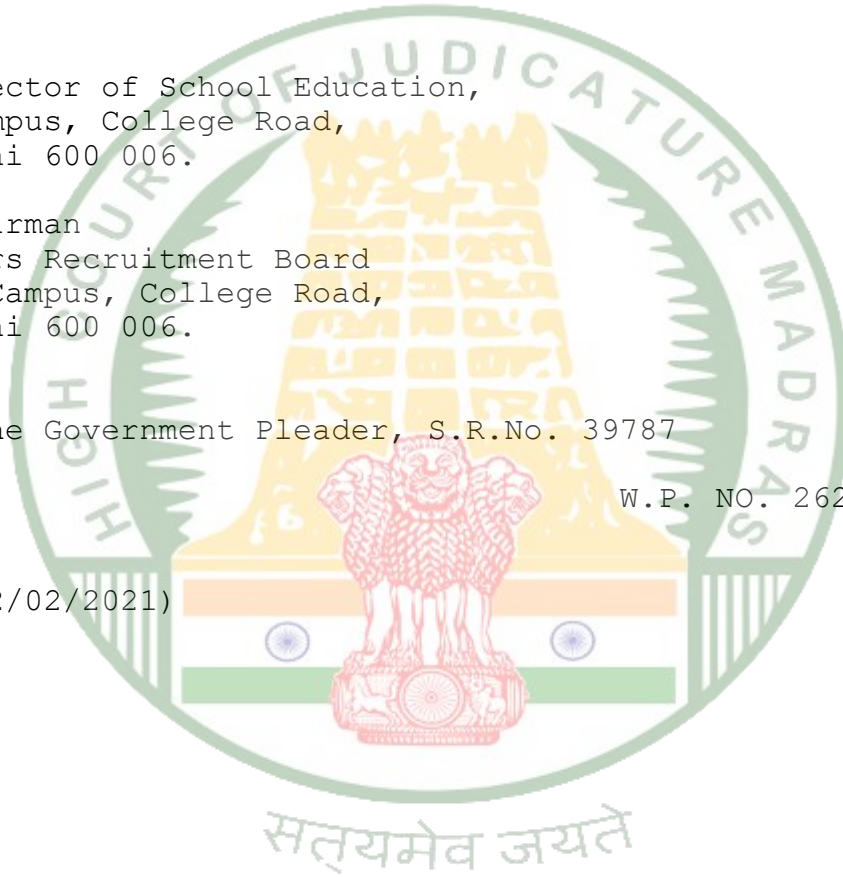
1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chairman
Teachers Recruitment Board
DPI Campus, College Road,
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+1cc to the Government Pleader, S.R.No. 39787

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MGR(CO)
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