

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 26418 OF 2013
and
M.P.No.1 of 2013

J.Sanctus Mary

... 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.12PG10230029) to the post of PG Assistant Economics based on the selection for direct recruitment of PG Assistant for the year 2011-2012 conducted by 2nd respondent by allowing the petitioner to participate in the certificate verification and on the basis of marks secured by the petitioner in the written examination and by weightage marks on merits by considering their representation submitted by the petitioner on 18.12.2012, 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

ORDER

It is the case of the petitioner that she is a post-graduate and passed B.Ed. and belongs to Backward Class Community and further duly certified physically handicapped person. The petitioner applied for the post of P.G.Assistant Economics in pursuant to the notification issued by the 2nd

respondent dated 28.2.2012. The petitioner attended the written examination on 27.05.2012 and as per the results she was awarded 98 marks in the selection. According to the petitioner, based on employment exchange seniority and teaching experience the petitioner ought to be given 6 marks as weightage marks and thereby the total mark should be worked out as 104 marks (98+6); however, the petitioner was actually given only 103 marks (98+5) without properly appreciating the teaching experience as certified by the competent authority. The grievance of the petitioner is that the candidate with 104 marks, but junior under physically handicapped category, on account of the date of birth has been selected and appointed overlooking the petitioner. 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 has been given by the petitioner, however, the marks for teaching experience has not been correctly awarded to the petitioner, thereby, the petitioner has been deprived of one mark. Therefore, he prays for appropriate direction to the respondents to grant the requisite marks and to consider her 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 without properly appreciating the teaching experience as certified by the competent authority, the candidate with 104 marks, who is junior under physically handicapped category by date of birth has been selected and appointed overlooking the petitioner, however, it is to be pointed out that the award of marks is a technical issue, which has to be gone into by the concerned authorities at the relevant point of time. After a lapse of eight years, when all the posts have been filled up and no post has been 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 on valuation. 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. It is also to be pointed out that the person, against whom the petitioner is aggrieved, has also not been impleaded as party respondent in the present petition.

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(CS V)

//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,
Chennai 600 006.

+1cc to the Government Pleader Sr.39788

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