

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32759 of 2013
And
M.P.No.1 of 2013

P.Sathish Kumar

...Petitioner

Vs.

1. The Teachers' Recruitment Board
Rep. by the Member Secretary,
4th Floor, E.V.K.Sampath Maaligai,
College Road,
Chennai - 6.

2. The Director of School Education,
College Road,
Chennai - 6.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to select the petitioner for appointment to the post of Secondary Grade Teacher on the basis of the Certificates Verification done by the 1st respondent on 1.6.09 and 03.12.11 as evidenced from his Memo No.5015 A44/2008 dated 14.5.09 and Memo No.5281/A4/2010 dated 24.11.11 respectively and appoint the petitioner to the said post with effect from the date of appointment given to the candidates on the basis of the above Certificates Verification with all monetary and service benefits.

For Petitioner : Ms.K.Janani
for M/s.M.Srividhya

For Respondents : Mr.C.Munusamy for R1
Special Government Pleader
Mr.S.Suresh Kumar for R2
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to select the petitioner for appointment to the post of Secondary Grade

Teacher on the basis of the Certificates Verification done by the first respondent on 01.06.2009 and 03.12.2011 as evidenced from his Memo No.5015 A44/2008 dated 14.05.2009 and Memo No.5281/A4/2010 dated 24.11.2011 respectively and to appoint the petitioner to the said post with effect from the date of appointment given to the candidates on the basis of the above Certificates Verification with all monetary and service benefits.

2.The case of the petitioner is that the petitioner has passed SSLC during March, 1999, +2 in 2001, Diploma in Teacher Education during 2003 - 2004, B.Sc.(Physics) in 2011, B.Ed. in 2008 and M.Ed. during May, 2011. The petitioner belongs to MBC Community and on the basis of his enrolment in the Employment Exchange, the petitioner was called for Certificates Verification on 01.06.2009 and on 03.12.2011 for appointment to the post of Secondary Grade Teacher, however, he was not selected for the said post as there was no vacancy for accommodating the petitioner in the above years.

3.The grievance of the petitioner is that he cannot be compelled to write the Teachers Eligibility Test to get appointment to the post of Secondary Grade Teacher or B.T.Assistant as the Teachers Eligibility Test was introduced only in the years 2011 - 2012 and 2012 - 2013. The petitioner made representations to the first respondent seeking appointment to the post of Secondary Grade Teacher on the basis of the date of enrolment in the Employment Exchange, however, the same were not considered. Hence, this writ petition.

4.The learned counsel appearing for the petitioner fairly submitted that the selection process was of the year 2009, however, the petitioner filed the writ petition only in the year 2013. She further submitted that the petitioner made representations dated 15.02.2012 and 11.11.2013 to the first respondent seeking appointment to the

post of Secondary Grade Teacher, however, the same were not considered.

5.The learned counsel appearing for the petitioner further submitted that since the petitioner was called for Certificates Verification on 01.06.2009 and on 03.12.2011 for appointment to the post of Secondary Grade Teacher, he cannot be compelled to write the Teachers Eligibility Test, as the same was introduced only in the years 2011 - 2012 and 2012 - 2013.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Perusal of records disclose that the petitioner has passed SSLC during March, 1999, +2 in 2001, Diploma in Teacher Education during 2003 - 2004, B.Sc.(Physics) in 2011, B.Ed. in 2008 and M.Ed. during May, 2011. Further, the petitioner was called for Certificates Verification on 01.06.2009 and on 03.12.2011 for appointment to the post of Secondary Grade Teacher. However, the said selection process was not processed thereafter.

8.The Teachers Eligibility Test, was introduced in the years 2011 - 2012 and 2012 - 2013 and thereafter, the selection process was entrusted with the Teachers' Recruitment Board. Hence, without passing the Teachers Eligibility Test, the petitioner cannot be appointed to the post of Secondary Grade Teacher.

9.Further, this Court has not granted any interim order in this matter till date. Hence, after a lapse of nearly seven years, this Court finds that nothing would survive for adjudication in this writ petition.

10.This writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Member Secretary,
The Teachers' Recruitment Board
4th Floor, E.V.K.Sampath Maaligai,
College Road,
Chennai - 6.

2.The Director of School Education,
College Road,
Chennai - 6.

+1cc to Mr.M.Srividhya, Advocate, S.R.No.25623
+1cc to the Government Pleader, S.R.No.25513

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RR(CO)
KKV/12/08/2020