

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 34070 of 2013
and
M.P.Nos.1 & 2 of 2013

R.Vijayakanth

.. Petitioner

- Vs -

1.The Teacher Recruitment Board,
Rep. BY its Chairman,
4th Floor, E.V.K. Sampath Maligai,
DPI compound, College Road,
Chennai 600 006.

2.The Tamil Nadu Teacher Education University,
Rep.By its Register,
Lady Wellington College Campus,
Kamarajar Salai, Chennai 600 005.

3.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

4.The Director of School Education,
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 second respondent to issue mark sheet for the B.Ed Examination conducted during May 2013 after holding practical examination and further direct the first respondent to consider the case of the petitioner for appointment to the post B.T.Assistant based on the marks obtained by the petitioner in TET examination (Paper II Maths & Science) written on 18.08.2013.

For Petitioner :M/S. V.Suthakar

For Respondents:Mr.C.Munusamy , Spl.G.P. For RR1 & 2
:Mr.S.Suresh Kumar, G.A. For RR3 &4

ORDER

The case of the petitioner is that while he was working as Secondary Grade Teacher at Panchayat Union Middle School, Ammaiyapattu, Vandavasi Block, Tiruvannamalai District. The petitioner joined B.Ed course at Dhivya college of Education, Chetpet, Tiruvannamalai District during September 2012. After joining the B.Ed course, petitioner was appointed as Secondary Grade Teacher at Ammaiyapattu by the proceedings of the District Elementary Education Officer, Tiruvannamalai dated 11.12.2012. Subsequently the DEO, Tiruvannamalai granted permission by the proceedings dated 29.01.2013 to the petitioner to undergo B.Ed regular course by treating the period between 10.01.2013 and 31.05.2013 as leave on loss of pay. Since there was dispute between the educational institution where the petitioner underwent the B.Ed course, with regard to the admission of total number of students to undergo B.Ed course, the same was culminated into filing of writ petitions namely W.P.NOs.25095/2012 and 14514/2013 before this Court. Pursuant to the interim order granted by this Court in the above referred writ petitions, the petitioner wrote the B.Ed examination during May 2013, however due to the pending dispute between the management and the authorities, the practical examination was not conducted for the petitioner and similarly situated persons. In the meanwhile, a notification was issued by the Teacher Recruitment Board, for which the petitioner applied for Teacher Eligibility Test to write Paper II examination (Maths and Science) to qualify himself for appointment to the post of B.T. Assistant. As per the terms of the notification, based on the results in the Teacher Eligibility Test, the candidates declared pass in the TET are given appointment to the post of Secondary Grade Teacher /B.T. Assistant Teacher in Government Schools. However the petitioner was not selected, since the petitioner did not produce the provisional certificate at the time of examination. The grievance of the petitioner is that he was not considered for appointment to the said post for no fault of the petitioner, as the practical examination was not conducted by the authorities on time, which resulted in the petitioner not able to compete and complete the course. Hence the petitioner filed a writ petition with the above said prayer.

2. Learned counsel appearing for the petitioner while reiterating the submissions as raised in the grounds, stressed that non-conduct of the practical examination cannot be put against the petitioner to reject his candidature as the fault does not lie with the petitioner,

but it lies with the Management as well as the authorities. Therefore, denying appointment to the post of B.T.Assistant Teacher is wholly unsustainable.

3. On the above contentions, this Court heard the learned counsel appearing for the respondents and perused the materials available on record.

4. True it is that the petitioner had undergone the studies after obtaining approval of the educational authorities, though he completed the course in the year 2013 however he was not given the mark sheets and provisional certificate on account of the pending dispute between the management and the Educational Authorities, which resulted in litigations before this Court, which are admittedly pending. It is equally not in dispute that on the date when the petitioner was called for certificate verification, the petitioner was not in possession of the mark sheets, as he had not completed the course. Though it is the stand of the petitioner that it was not due to any fault of the petitioner as he was denied completion of the course on account of the dispute, however, the said reason cannot be put against the respondents herein to the benefit of the petitioner. At best this Court can only sympathize with the petitioner, but beyond that, this Court can go no further, for the simple reason that the respondents herein are not the cause for the petitioner not completing the course on time. Mere participation of the petitioner in the written examination on the basis of the order of this Court will not give any right to the petitioner to claim appointment to the post, more so, when the petitioner has not fulfilled the necessary criteria set forth by the respondents for selecting the persons. Therefore, the prayer sought for by the petitioner cannot be granted.

5. For the reasons aforesaid, this writ petition fails and the same is dismissed. However there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Chairman,The Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
DPI compound, College Road,
Chennai 600 006.

2.The Register,
The Tamil Nadu Teacher Education University,
Lady Wellington College Campus,
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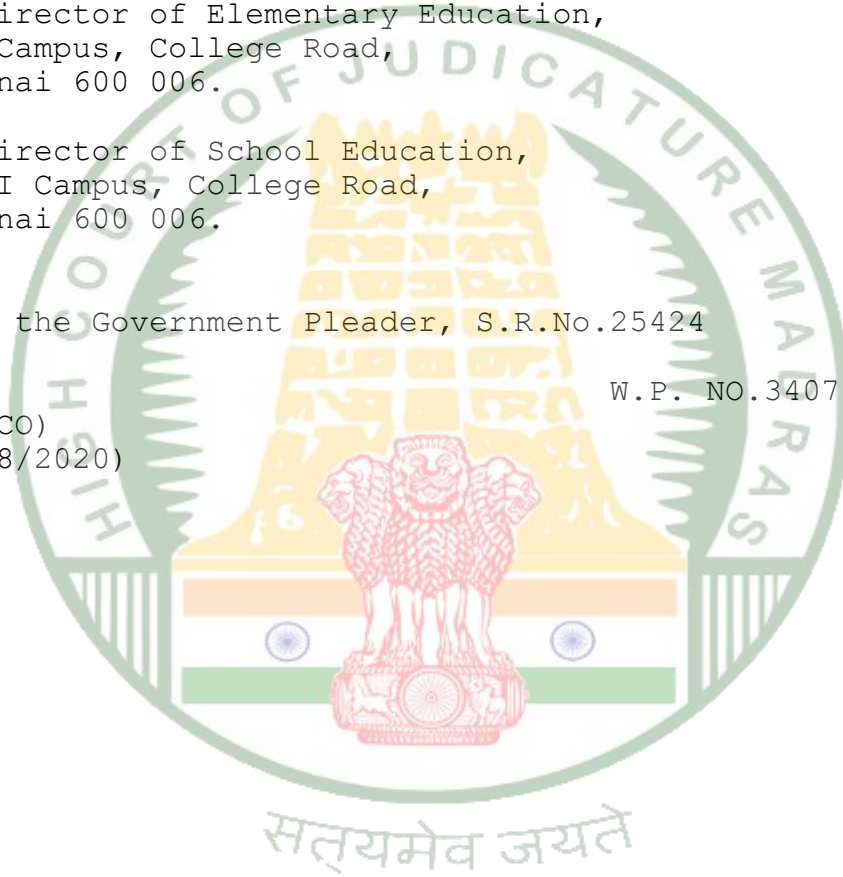
3.The Director of Elementary Education,
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4.The Director of School Education,
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+1cc to the Government Pleader, S.R.No.25424

W.P. NO.34070 OF 2013

VSN II(CO)
CB(17/08/2020)



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