

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34742 of 2013

And

M.P.No.1 of 2013

S.Kalaiyarasi

... Petitioner

Vs.

1. The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai - 6.

2. The Director of College 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 1st respondent to award 14 marks to the petitioner for the experience together with 9 marks for Ph.D., and to call the petitioner (Registered No.1643625) to participate the interview to be conduct by the 1st respondent.

For Petitioner : Ms.R.Hemalatha
for Mr.C.Prakasam

For Respondents : Mr.C.Munusamy for R1
Special Government Pleader
Mr.E.Manokaran for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to award 14 marks to the petitioner for the experience together with 9 marks for Ph.D. and to call the petitioner (Registered No.1643625) to participate in the interview to be conduct by the first respondent.

2.The case of the petitioner is that the petitioner obtained B.Com. Degree in the year 2000, M.Com. Degree in the year 2002, M.Phil. Degree in the year 2003 and Ph.D. in the year 2013. The petitioner also appeared in the National Eligibility Test in the

year 2011 and also passed in the said Test. The petitioner also possess M.B.A.Degree.

3.It is the further case of the petitioner that the first respondent issued Notification for direct recruitment for appointment in the post of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges - 2012. According to the petitioner, he is fully qualified for the said post and he is also entitled to get the full 14 marks for experience, since he has worked in different Colleges during the period from 25.06.2003 to 31.01.2004, 11.06.2007 to 06.06.2011, 15.06.2011 to 30.06.2013. Hence, the petitioner applied for the said post.

4.It is the further case of the petitioner that the first respondent called for Certificate Verification on 03.12.2013 and the petitioner also participated in the said Certificate Verification, however, the petitioner was not awarded with the full 14 marks for experience, due to which, the petitioner is facing critical position to get appointment in the post of Assistant Professor in the Government Arts and Science Colleges. Hence, this petition.

5.The learned counsel appearing for the petitioner would submit that if the petitioner has been awarded the full 14 marks for experience, he would have got appointment as Assistant Professor in any one of the Government Arts and Science Colleges.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

7. The facts in case are not in dispute. The participation of the petitioner in the selection process and his securing the above marks are all admitted. However, it is the contention of the petitioner that had he been given the requisite marks for experience, he would fall within the zone of consideration and, therefore, he seeks a direction to the respondent to award him the said marks and consider his candidature for selection. However, it is to be pointed out that the non-award of marks to the petitioner, according to the petitioner, vitiates the whole selection process. In such circumstances, the right course open to the petitioner was to challenge the whole selection process, which the petitioner has not done. Without challenging the selection process, which had taken place in the year 2013, coming before this Court for a direction in the nature of mandamus, is wholly misconceived and cannot be granted.

8. For the reasons aforesaid, this petition is liable to be dismissed and accordingly the same is dismissed. However, this

order will not stand on the way of the petitioner to participate in the future selection process. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

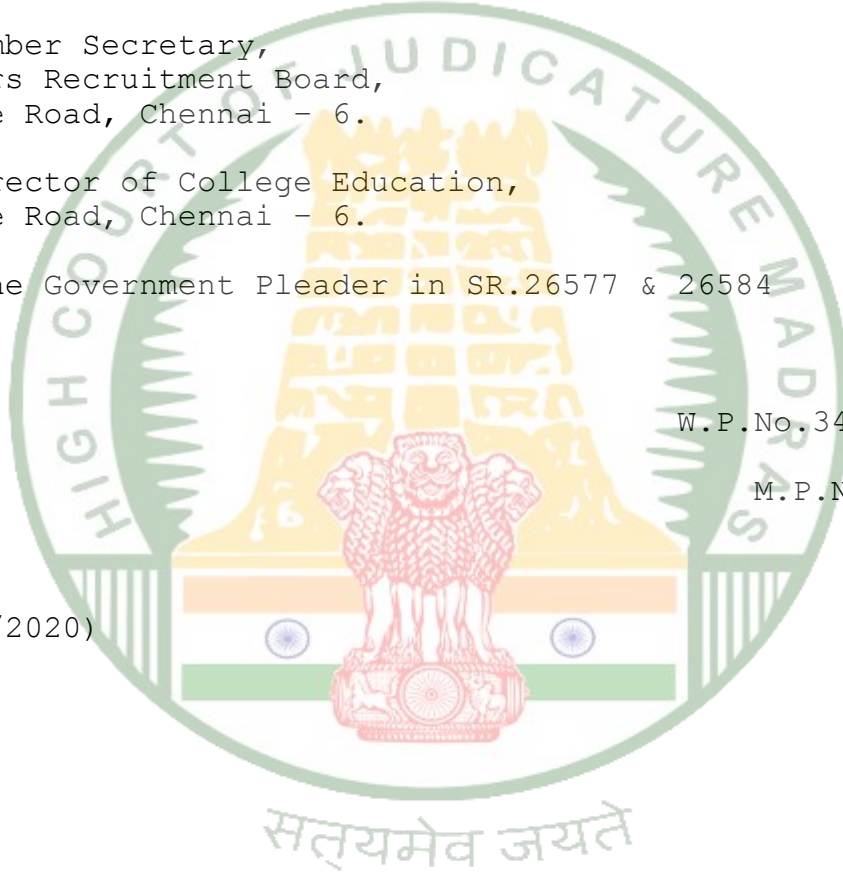
To

1. The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai - 6.
2. The Director of College Education,
College Road, Chennai - 6.

+1cc to the Government Pleader in SR.26577 & 26584

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PA (CO)
RV (16/09/2020)



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