

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.12.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.20077 OF 2014

and

MP.No.1 of 2014

R.Kamala

..Petitioner

- Vs -

The Member -Secretary,
Teachers Recruitment Board,
4th Floor, E.Ve.Ki.Sambath Maligai,
DPI, College Road, Chennai -6.

..Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondent herein to appoint the petitioner herein as B.T.Tamil Pandit in any one of the School and fix the seniority over and above the immediate junior as per the state seniority list within an appropriate time or other orders this Court may deem fit and proper in circumstances of the case.

For Petitioner : M/S.R.Nalliyappan

For Respondent : Mr. C.Munusamy, Spl. GP

ORDER

The petitioner in the above writ petition prays to direct the respondent herein to appoint the petitioner herein as B.T. Tamil Pandit in any one of the School and fix the seniority over and above him immediate junior as per the state seniority list within an appropriate time.

2.Learned counsel appearing for the petitioner submitted that the petitioner has completed Diploma in Teacher Education in the year 2007 and subsequently, appeared for B.Lit in Tamil and completed the same in the year 2009 and thereafter he appeared for the examination conducted by the respondent herein for the year 2013 and obtained 96 marks. Further the respondent had provided some weightage marks based on the experience and as per norms , the respondent declared marks of 64.16 to the petitioner. Learned counsel further submitted that the

respondent herein fixed minimum marks for MBC at 85 in the examination. Since the petitioner being a MBC candidate, he was qualified for selection, however without assigning any reason the respondent herein simply not considered the petitioner for the selection by holding that the petitioner herein studied DTED and B.Litt parallelly i.e., at a time. Aggrieved by the said order, he filed this writ petition with the above said prayer.

3.No counter has been filed on behalf of the respondent. However considering the facts and circumstances of the case, this Court perused the entire materials available on record and based on merits, decided to dispose of this case.

4.On perusal of the records, it reveals that the petitioner has participated in the selection process for the purpose of getting government job and his affidavit averred that he secured only 64.16 marks in the MBC category and the result was also published and he also secured 96 marks in the written examination. Further he was awarded with some weightage marks based on his experience. The total marks received by the petitioner was arrived at 64.16. However, even as per the case of the petitioner, the minimum marks for MBC category is 85 to be eligible for consideration.

5.Be that as it may. The petitioner has come before this court with the relief for a direction to provide him the post immediately above his junior, who was selected in the selection process. However it is to be pointed out that the petitioner has not challenged the selection process. Without challenging the selection process, merely filing this writ petition and seeking the relief of appointment is not maintainable. Further, after a long lapse of time, there being no interim order in favour of the petitioner, opening the already concluded selection would cause great hardship not only to the respondents, but to persons, who have come out successful in the said selection.

6. In such circumstances, this Court is not inclined to grant the relief as sought for. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

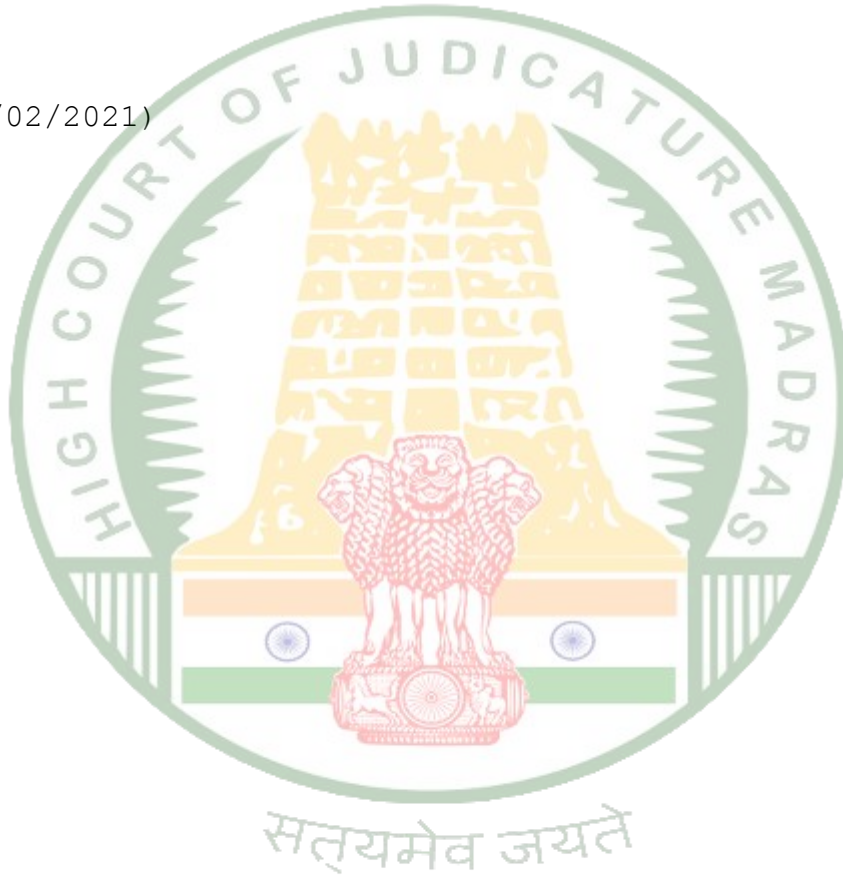
To

The Member -Secretary,
Teachers Recruitment Board,
4th Floor, E.Ve.Ki.Sambath Maligai,
DPI, College Road, Chennai -6.

+1cc to the Government Pleader, Sr.No.40947

W.P. NO. 20077 OF 2014

gmr (co)
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