

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6866 of 2017

M. Sri Are Priyaa

... Petitioner

Vs.

1. The Government of Tamilnadu,
Rep. by its Educational Secretary,
Education Department,
Fort St. George, Chennai 600 006.
2. The Principal Secretary/Chairman,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College road,
Chennai-6.
3. The Member Secretary,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College road,
Chennai-6.
4. Tmt. R. Sangeetha,
(R4 impleaded as per order dated 04.07.2017 passed in
WMP No.15947 of 2017 in WP NO.6866 of 2017)

... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus or any other appropriate writ, order or direction directing the respondent 2 and 3 to call the petitioner for certificate verification for the post of Assistant Professor in Government Engineering College as per the petitioner's representation dated 09.02.2017.

For Petitioner : Mr.M.Thamizhavel
For Respondents : Mrs. P.Kavitha, Gov. Advocate
(for R1 to R3)
Mr.Vivekanandan (for R4)

O R D E R

This petition has been filed for direction to the 2nd and 3rd respondents to call the petitioner for certificate verification for the post of Assistant Professor in Government Engineering College as per the petitioner's representation dated 09.02.2017.

2. The case of the writ petitioner in nutshell is as follows.

The writ petitioner acquired her M.Tech Computer Science and Engineering degree in Tamil Medium at Bharathidasan University during the year 2016 and she had applied for recruitment to the post of Assistant Professors in Government Engineering Colleges under PSTM (persons studied under Tamil Medium) quota, invited by the respondents 2 and 3. She had participated in the written examination held on 22.10.2016.

2.1. The respondents 2 and 3 had released the provisional list of candidates and called for certificate verification to be held on 06.01.2017. Though the respondents have reserved 20% under PSTM quota for the above said post, the petitioner was not provisionally selected under the PSTM quota and they have not also filled up the 20% posts under PSTM Quota. Hence, the petitioner made representation to the respondents 2 and 3 on 09.02.2017. But, there is no response from them. Hence the writ petition.

3. The learned Government Advocate submitted that in the certificate furnished by the petitioner, it has not specifically stated that the petitioner has studied M.Tech in Computer Science and Engineering in Tamil Medium, where as it is stated as " the course was taught both Tamiil and English (parallel Medium)" and hence if the claim of the petitioner is considered favorably, it would affect the recruitment process, which has not attained finality.

4. Heard the learned counsel appearing for the writ petitioner as well as the respondent and I have perused the materials on record.

5. The petitioner had sent a letter to the 2nd and 3rd respondents on 09.02.2017, wherein it is stated as follows.

" .. I had applied for the post of Assistant Professor and Engineering subject. I got 91 marks in the written examination under the community of BC. The Member Secretary has mentioned in the prospectus page No.2, 20% reservation for PSTM (Person Studied in Tamil Medium) candidates on preferential basis of

existing government orders. I have mentioned my PSTM detail in the application form column No.13(c). But in your selection list dated 06.01.2017, you have selected 39 candidates for certificate verification in Computer Science and Engineering subject for 19 posts without mentioning the details of PSTM candidates and what marks they have obtained in the written examination as per the 20% reservation for PSTM candidates.

I have believed that you have not considered and allotted seats for PSTM candidates. Knowing the fact, I had sent an application on 07.01.2017 to get information from the Member Secretary about the PSTM details under the Right to Information Act. It was received on 10.01.2017. Even after completion of 30 days, the member Secretary have not given any reply or information. So, I sent an Advocate notice through my Advocate dated on 30.01.2017 to get information from the Principal Secretary/Chairman through registered post. It was received. As per the Advocate notice, the Secretary/Chairman must give reply or information within one week from the receipt of the notice. But the Principal Secretary/Chairman has not given any reply or information after completion of one week time.

In these circumstances it is evident that you have not followed 20% reservation for PSTM candidates which is against the Government order and reservation policy. Because of your non observance of Government order and reservation policy, I have lost the right of employment opportunity."

6. A perusal of the counter affidavit filed by the respondents reveals that they had not properly replied to the above said averments made by the petitioner. The grievance of the petitioner is that, the respondents have not allotted 20% posts under PSTM Quto and they have not considered her representation dated 09.02.2017.

7. Accepting the submissions made by the petitioner, this court is inclined to pass the following order.

i) The 3rd respondent is directed to consider the representation made by the petitioner dated 09.02.2017 and pass appropriate order on merits in accordance with law, as far as possible within six weeks from the date of receipt of a copy of this order.

ii) It is needless to say that the copy of this order shall be enclosed along with the representation dated 09.02.2017.

8. With the above direction, this writ petition is disposed of. No order as to costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

mst

To

1. The Educational Secretary,
Government of Tamilnadu,
Education Department,
Fort St. George, Chennai 600 006.
2. The Principal Secretary/Chairman,
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3. The Member Secretary,
Teacher's Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College road,
Chennai-6.

+1 CC to Govt. Pleader sr 8122.

+1 CC to Mr.M.Thamizhavel, Advocate sr 7531.

W.P.No.6866 of 2017

SP(27/02/2020)

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