

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.Nos.33238 and 33221 of 2019
and WMP Nos.33681, 33679, 33698 of 2019

T.Pravinkumar ... Petitioner in WP No.33238 of 2019
C.Thiyagarajan ... Petitioner in WP No.33221 of 2019

-Vs-

1. Teachers Recruitment Board,
Rep. By its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006.
 2. The Directorate of School Education,
DPI Campus, College Road,
Shastri Bhavan,
Chennai 600 006.
- .. Respondents in both WPs

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent herein in the "Ineligible list after Certificate Verification" for direct recruitment for the post of PG Assistants /Physical Education Directors Grade I 2018-2019 dated 20.11.2019 and quash the same to the limited extent of inclusion of the name of the petitioner therein is concerned and to consequentially direct the 1st respondent to declare the petitioners as eligible for the aforesaid recruitment and to appoint him to the said post with all consequential benefits.

For Petitioner : Mr.M.Ravi
in both WPs
For Respondents : Mr.C.Munusamy,
in both WPs Special Government Pleader
for R1
Mrs.V.Annalakshmi
Government advocate for R2

ORDER

The issue raised in these writ petitions are squarely covered by the Judgement of this Court in WP No.33189 of 2019.

2. The facts of the case are also similar to the above judgement. The relevant portion in the judgement is extracted hereunder :-

9. The candidature of the petitioners have been rejected by the Teachers Recruitment Board only on the ground that the petitioners have passed the Post Graduation course after the cut off date. It is clear from the certificate issued by the Tamil Nadu University, Thanjavur that the results for the PG course was published on 14.07.2019. As per the results published, the petitioners have cleared the Post Graduation. The last date for the submission of the application to participate in the selection was 15.07.2019. Therefore, on the date of submission of application, the petitioners have completed the course.

10. The judgments relied upon by the learned counsel appearing for the petitioner will squarely apply to the facts of the present case. As held by the Hon'ble Supreme Court, there is a distinction between fulfilling the initial requirements and proof / mode of proof. The candidate must possess the essential qualification as on the final date of the submission of the application. This essential qualification has been fulfilled by the petitioners in the present case. The production of the certificate at a later point of time will not take away the essential qualification that was possessed by the petitioners on the date of submission of application.

11. The respondents went wrong in rejecting the candidature of the petitioners on a wrong premise that the petitioners did not complete the post graduation before the due date. The respondents failed to note that the certificate which was given later to the petitioners is only the reiteration of the completion of the course by the petitioner on 14.07.2019. The certificate that was received at a later point of time cannot be put against the petitioners and in the considered view of this Court, the ground on which the candidature of the petitioners was rejected is totally

erroneous and the same requires interference of this Court.

12. In the result, the impugned proceedings of the 3rd respondent dated 20.11.2019 is liable to be quashed in so far as the rejection of candidature of the petitioners is concerned. Consequently, the 3rd respondent is directed to take into consideration the petitioner's qualification and the marks obtained by them and proceed further with the process of selection by treating the petitioners as eligible candidates.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

4. When these writ petitions were entertained, an interim direction was given to keep one post vacant.

5. In view of the above, these writ petitions are allowed and the respondents are directed to call the petitioners for certificate verification and on fulfilling all the conditions, the 1st respondent is directed to proceed further with the appointment of the petitioners. This process shall be completed within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rka

To

1.The Chairman,

Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006.

2. The Directorate of School Education,
DPI Campus, College Road,
Shastri Bhavan, Chennai 600 006.

+2ccs to Mr.M.Ravi , Advocate SR.No. 13512 13516

W.P.No.33238 & 33221 of 2020

A.SK(26/02/2020)