



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2020

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)No.2479 of 2020

and

W.M.P(MD) No.2128 of 2020

A.Pandi Selvi

.. Petitioner

Vs.

1.The State of Tamilnadu,
rep. by its Secretary,
School Education Department,
Secretariat,
Chennai.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.

3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.

4.The Director of School Education,
College Road, Chennai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to select the petitioner for appointment to the post of PG Assistant (Tamil) in conformity with the order dated 23.01.2020 made in W.P(MD)No.25427 of 2019 on the file of this Court and consequently to direct the 4th respondent to appoint the petitioner as P.G.Assistant (Tamil) within the period that may be stipulated by this Court.

For Petitioner

: Mr.H.Mohamed Imran
for M/s.Ajmal Associates.



For Respondents 1 & 4 : Mrs.S.Srimathy,
Special Government Pleader.

For Respondents 2 & 3 : Mr.VR.Shanmuganathan,
Special Government Pleader.

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ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent to select the petitioner for appointment to the post of PG Assistant (Tamil) in conformity with the order dated 23.01.2020 made in W.P(MD)No.25427 of 2019 on the file of this Court and consequently direct the 4th respondent to appoint the petitioner as P.G.Assistant (Tamil).

2.Mrs.S.Srimathy, learned Special Government Pleader, takes notice for the respondents 1 and 4 and Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 2 and 3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that she belongs to Backward Class. She has completed B.A.(Tamil), M.A.(Tamil) and B.Ed. The 2nd respondent vide notification dated 12.06.2019 had invited applications from eligible candidates for appointment to the post of PG Assistant in various disciplines in Tamil Nadu Higher Secondary Educational Service for the year 2018-2019. The petitioner who had all the eligibility, applied for the post of P.G.Assistant (Tamil) and also participated in the online examination, which was held on 29.09.2019.

4.According to the petitioner, the name of the petitioner found a place in the provisional list and she was called for certificate verification and the petitioner was directed to upload all the original documents for verification. The petitioner was waiting for the call from the respondents and to the shock of the petitioner, the petitioner was informed that the candidature of the petitioner has been rejected and the name of the petitioner was shown in the ineligibility list, which was published by the Teachers Recruitment Board in the Official Website on 20.11.2019. The reason that was assigned was that the petitioner has passed M.A. degree after the cut-off date. Aggrieved by the same, the petitioner filed W.P(MD)No.25427 of 2019 before this Court, wherein this Court, vide order, dated 23.01.2020, had set aside the rejection of the candidature of the petitioner and directed the respondents to permit the petitioner to participate in the future selection process for the appointment to the post of P.G.



Assistant(Tamil) by considering that the petitioner has educationally qualified herself to the post of P.G.Assistant (Tamil) and also upload and update the petitioner's candidature in their record to that effect. On receipt of the said order, the petitioner approached the 3rd respondent on 27.01.2020 and gave representation and also sent representation through RPAD. But, no action was taken to implement the order. While so, the 4th respondent, vide his proceedings, dated 05.02.2020, issued instructions for counselling and the counselling is schedule to be held on 09.02.2020. Therefore, the petitioner has come up with the present writ petition.

5.When this writ petition was taken up for hearing on 07.02.2020, this Court, directed the 4th respondent to permit the petitioner to participate in the counselling scheduled to be held on 09.02.2020 and also made it clear that the participation of the petitioner in the counselling will not confer her any right to claim for selection and the selection would be subject to the decision to be taken in the present writ petition.

6.Today, it is brought to the notice of this Court that the petitioner has already participated in the counselling pursuant to the interim order passed by this Court.

7.The learned counsel for the petitioner submitted that this Court had already passed an order in W.P(MD)No.25427 of 2019, dated 23.01.2020, wherein this Court had set aside the rejection of the candidature of the petitioner and directed the respondents to permit the petitioner to participate in the future selection process for the appointment to the post of P.G. Assistant (Tamil) by considering that the petitioner has educationally qualified herself to the post of P.G. Assistant (Tamil) and also upload and update the petitioner's candidature in their record to that effect. The learned counsel for the petitioner submitted that in view of this order and the fact that the petitioner has already participated in the counseling, the respondents have to now proceed further with the selection.

8.The learned Special Government Pleaders appearing for the respondents 2 and 3 submitted that an appeal has been filed against the orders passed by this Court in W.P(MD)No.25427 of 2019.

9.In the considered view of this Court, till the orders of this Court is interfered in the appeal, the same will continue to be in force and the respondents cannot deny the petitioner her right of being considered for appointment. In fact, the petitioner should not have been driven to this Court seeking for permission to participate in the counseling. The earlier orders passed by



this Court gives a right to the petitioner to participate in the counseling. The candidature of the petitioner will have to be considered for selection by virtue of the earlier orders passed by this Court. Therefore, the third and fourth respondents are directed to proceed further with the selection of the petitioner and issue appointment order, if she has otherwise qualified in the selection, within a period of four (4) weeks from the date of receipt of a copy of this order. This can be made subject to the result of the Writ Appeal, which is in the process of being filed by the third respondent.

10.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

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Sub Assistant Registrar(CS)

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To

- 1.The Secretary,
School Education Department,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.
- 3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.
- 4.The Director of School Education,
College Road, Chennai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12045[F] dated
17/03/2020)

<https://hcservices.ecourts.gov.in/hcservices/>



W.P(MD)No.2479 of 2020

**ORDER MADE IN
W.P (MD) No.2479 of 2020**

16.03.2020

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