



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.4306 of 2020 and

WMP (MD) No.3626 of 2020

G.Sasikumar

Petitioner

Vs

1. The Chairman,
Teachers Recruitment Board,
Government of Tamil Nadu,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

2. The Joint Director of Collegiate Education,
Department of Collegiate Education,
Thanjavur Region,
Thanjavur District.

Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to accept the petitioner's experience certificates given by Annai College of Arts and Science, Kovilachery, Kumbakonam, ABI & ABI College of Arts Science, Vayalur, Thanjavur and Marudhupandiyar College, Thanjavur, duly countersigned by the second respondent dated 18.02.2020 and to provide the prescribed marks as stated in the first respondent's Notification No.12/2019 dated 04.10.2019 in clause-13, column Sr.No.1, to the petitioner for the petitioner's application dated 15.11.2019 in User ID-TRBAPG742454, for the post of Assistant Professor of Economics, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : For R1- Mr.V.R.Shanmuganathan,
Special Government Pleader

For R2- Mr.K.Mu.Muthu
Additional Government Pleader

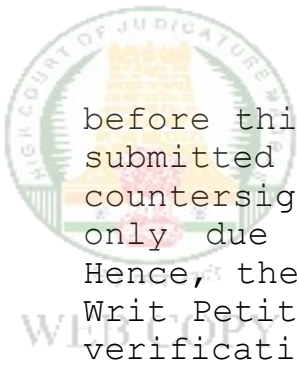
O R D E R

The Writ Petition has been filed by the petitioner to
<https://hcservices.courts.gov.in/hcservices> first respondent to accept the petitioner's experience



certificates given by Annai College of Arts and Science, Kovilachery, Kumbakonam, ABI & ABI College of Arts Science, Vayalur, Thanjavur and Marudhupandiyar College, Thanjavur, duly countersigned by the second respondent dated 18.02.2020 and to provide the prescribed marks as stated in the first respondent's Notification No.12/2019 dated 04.10.2019 in clause-13, column Sr.No.1, to the petitioner for the petitioner's application dated 15.11.2019 in User ID-TRBAPG742454, for the post of Assistant Professor of Economics, within the period as stipulated by this Court.

2. The case of the petitioner is that the petitioner is presently working as Assistant Professor in a private college and he belongs to Scheduled Community of Hindu Pallan. He has the qualification of B.A., M.A., M.Phil and Ph.D, specialization in Economics. On 28.08.2019, Teachers Recruitment Board has issued Notification No.12/2019, inviting applications for direct recruitment from eligible candidates for the post of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts & Science Colleges and Colleges of Education for the year 2015-2019, only through online upto 5.00pm on 24.09.2019 and subsequently the date was extended upto 15.11.2019 and again extended upto 30.11.2019. As he is fully qualified, he has a proposal to apply for the above said post. In order to apply for the said post, he has to submit his experience certificates countersigned by the authorities concerned, for which he has submitted the experience certificates issued by various colleges viz., A Veeraiya Vandayar Memorial Sri Pushpam College, Poondi, Thanjavur, Annai College of Arts and Science, Kumbakonam, ABI & ABI College of Arts Science, Thanjavur and Marudhupandiyar College, Thanjavur, to the second respondent on 22.10.2019. The second respondent has issued the countersigned certificate issued by A Veeraiya Vandayar Memorial Sri Pushpam College, Poondi, Thanjavur only and omitted to issue other certificates issued by rest of the above said colleges. As the second respondent denied to issue the certificates countersigned to the petitioner, the petitioner has filed a Writ Petition in W.P.(MD) No.25431 of 2019 and this Court has passed an order directing the respondents to consider the petitioner's representation on its own merits and pass appropriate orders, within a period of four weeks. In the meantime, the first respondent has extended the date upto 28.01.2020. Once again the petitioner has approached the second respondent to get his certificates countersigned. But the second respondent refused to do so stating that they have not received the court order. While so, on 01.02.2020, he has received the impugned rejection order of the second respondent dated 31.01.2020. Challenging the said rejection order, the petitioner has filed a Writ Petition in W.P(MD) No.2486 of 2020 and as per the order passed by this Court, the second respondent appeared



before this Court on 18.02.2020 and countersigned the certificates submitted by the petitioner on the same day itself. The delay in countersigning the certificates submitted by the petitioner was only due to the lethargic attitude of the second respondent. Hence, the petitioner has come before this Court with the present Writ Petition seeking the relief to participate in the certificate verification.

3. The learned counsel for the petitioner submitted that since the delay caused for submitting the experience certificates is only due to the second respondent. The learned counsel for the petitioner submitted that the second respondent being the Officer designated for countersign, he ought to have verified the certificates and countersign the same, as it is the statutory function of the second respondent. Further, as the petitioner is fully qualified in all ways, the learned counsel for the petitioner prays this Court to permit the petitioner to participate for certificate verification and direct the first respondent to accept the certificates countersigned by the second respondent belatedly on 18.02.2020.

4. No counter affidavit has been filed by the respondents. Mr.V.R.Shanmuganathan, Special Government Pleader and Mr.K.Mu.Muthu, Additional Government Pleader take notice for the first and second respondents respectively.

5. Heard the learned counsel for the petitioner and perused the records.

6. On a perusal of the records and the affidavit filed by the petitioner in support of his petition would go to show that for countersigning the certificates, the petitioner being made to run from pillar to post. Only after the intervention and the displeasure expressed by this Court, the second respondent has countersigned the certificates submitted by the petitioner. While dealing with the similar issue, this Court has specifically stated as under:-

5. The post of a Joint Director is a responsible post and the ordinary duties of his office was to verify and counter-sign the experience certificate to a professor, on a plain and simple verification as to whether the petitioner had genuinely conducted classes in Economics with the required and approved qualifications, at the colleges at the relevant point of time. However, the petitioner had either misused his office or has purposefully refused to counter-sign the certificates, by citing untenable reasons as alleged by the petitioner. Whatever be the case, when a simple task was awaiting the fourth



respondent to counter-sing the experience certificate based on verification as to whether the petitioner had indeed worked during the relevant point of time in the concerned colleges by taking classes in Economics, venturing into the aspects as to whether the qualification of the petitioner would entitle him to take classes, was totally unwarranted. Since the fourth respondent herein had neglected to perform the ordinary duties of office, his conduct can be termed as 'dereliction of his official duties'.

7. The observations made in the above case is squarely applicable to the present case on hand. It is stated that online application can not be accepted at present as the last date for submission barred. Hence, there shall be a direction to the petitioner to submit his manual application with all required enclosures along with a copy of this order to the first respondent and there shall be a direction to the first respondent to accept the manual application of the petitioner along with all enclosures and permit the petitioner to participate in the interview. Such exercise shall be completed immediately on receipt of copy of this order.

8. With the above observation and directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vrn

To

1. The Chairman,
Teachers Recruitment Board,
Government of Tamil Nadu,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.



2. The Joint Director of Collegiate Education,
Department of Collegiate Education,
Thanjavur Region,
Thanjavur District.

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-10700[F] dated
10/03/2020)

+1 CC to M/s.SPL.GP (SR-11052[F] dated 11/03/2020)

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BUC (CO)
TR(11.03.2020) 5P 5C