



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.A. (MD) No.1058 of 2020

and

C.M.P. (MD) No.5807 of 2020

WEB COPY

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

: Appellant/1st Respondent

Vs.

1.B.Jaiwanth

2.S.Srimathi

3.N.Sangeetha

: Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent challenging the order dated 10.02.2020, made in W.P.(MD) No.621 of 2020.

Prayer in WP(MD). 621 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the proceedings of the impugned ineligible list dated 20.11.2019 for the direct recruitment for the post of Post Graduate Assistant 2018-2019 in Botany so far as the inclusion of the petitioner in serial No.4 is concerned and consequent provisional selection list dated 20.11.2019 for direct recruitment to the post of Post Graduate Assistant 2018-2019 in BOTany in so far as the inclusion of the 2nd respondent (Roll No.19PG061803330 and 3rd respondent Roll No.19PG062601114 in serial No.128 and 130 under Schedule Case Women Tamil (SC W T) turn on the file of the 1st respondent and quash the same and further directing the 1st respondent to appoint the petitioner to the post of PG Assistant (Botony) by considering her candidature under Schedule Case Women Tamil (SC W T) Turn.

For Appellant : Mr.V.R.Shanmuganathan

For R.1 : Mr.R.Maheswaran



JUDGMENT

(Judgment of the Court was delivered by **B.PUGALENDHI, J.**)

This writ appeal is directed as against the order of the learned Single Judge in W.P.(MD)No.621 of 2020, dated 10.02.2020. The said writ petition was filed by the first respondent / B.Jaiwanth as against the impugned eligible list dated 20.11.2019 issued by the appellant herein with regard to the Direct Recruitment for the post of Post Graduate - Assistant (Botany), 2018-2019.

2. The appellant, vide notification dated 12.06.2019, invited applications through Direct Recruitment for the post of Post Graduate - Assistant (Botany) and the last date for submission of filled-in online application was 15.07.2019. The cut-off date for the prescribed qualification was fixed as 15.07.2019.

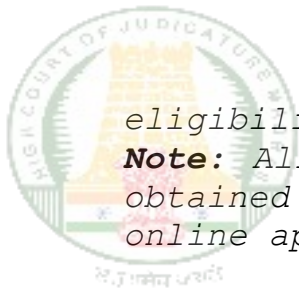
3. The first respondent, who completed the Degree Course in M.Sc (Botany) in the month of May, 2019, acquired the qualification on 14.07.2019, in view of the declaration of results by the University and therefore, she applied for the said post. She appeared for the written examination on 27.09.2019 and also secured 69 marks in the written examination. Therefore, she was called for Certificate Verification on 08.11.2019. But the appellant, vide provisional selection list dated 20.11.2019, declared the first respondent as ineligible on the ground that she was not having the prescribed qualification as on the date of notification. Therefore, she filed the above writ petition and this Court, following the decisions cited *infra*, allowed the writ petition.

- i) **Secretary, TNPSC v. M.Chitra**, reported in (2010) 2 MLJ 146;
- ii) **Dolly Chhanda v. Chairman Jee**, reported in (2005) 9 SCC 779; and
- iii) **G.Udayan v. The Member Secretary, TNUSRB**, reported in 2013 Writ L.R. 570.

Aggrieved over the same, the appellant has preferred the instant appeal.

4. Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the appellant, by referring to the notification, would submit that the required qualification ought to have been obtained by passing the required qualification and obtaining the certificates, as on the last date of submission of filled-in online application. For better appreciation, the relevant portion from the notification is extracted as under:

"6.The candidates not having prescribed qualifications, as on the last date of submission of filled-in online application shall not be eligible to apply for the examination. The candidates should satisfy themselves about their eligibility before applying. It is to be noted that if a candidate is allowed to appear for the examination it does not imply that the



eligibility of the candidate is verified.

Note: All qualifying / equivalent certificates should have been obtained prior to the last date for submission of filled-in online applications."

5. The first respondent completed the Masters Degree (Botany) in the month of May, 2019 and passed the required qualification as on 14.07.2019, in view of the declaration of results by the University. However, the provisional mark list was issued belatedly and this was considered as a ground for disqualification, based on the Note in Paragraph No.6 of the notification (extracted supra).

6. In fact, in Paragraph No.1 of the said notification, it is mentioned as follows:

"1. The qualification prescribed above for this post should have been obtained by passing the required qualification after completing 10th (SSLC) and +2 (Higher Secondary or its equivalent) followed by an U.G. Degree in the relevant subject (for which candidate applies). Candidates should also possess a Post Graduate degree in the same subject and a B.Ed. or its equivalent awarded by a University or Institution recognized by the University Grants Commission."

7. As per the notification, what is required is passing of the required qualification. The cut-off date for the required qualification was fixed as 15.07.2019 and the petitioner passed the Degree Course well within the cut-off date, ie., on 14.07.2019, in view of the declaration of results by the University. Though the provisional certificate was issued belatedly, the first respondent also produced the same at the time of Certificate Verification and therefore, it cannot be construed that the first respondent was not having the required prescribed qualification, as on the last date of submission of filled-in online application.

8. In view of the foregoing discussions and reasonings, this Court is not inclined to interfere with the impugned order passed by the learned Single Judge and accordingly, this writ appeal is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

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/ /2021

Sub Assistant Registrar(CS)

gk



TO
1.The Chairman,
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+1 CC to Mr.R.MAHESWARAN, Advocate SR.No. 27303

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