



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.A. (MD)No.956 of 2020

and

C.M.P. (MD)No.5200 of 2020

The Chairman,
Teacher Recruitment Board,
Government of Tamil Nadu,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai.

: Appellant/1st Respondent

Vs.

1.G.Sasikumar

:1st Respondent/Writ Petitioner

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

: 2nd Respondent/2nd Respondent

PRAYER: Appeal filed under Clause 15 of the Letters Patent challenging the order dated 09.03.2020, made in W.P.(MD)No.4306 of 2020.

Prayer in WP(MD). 4306 of 2020 :

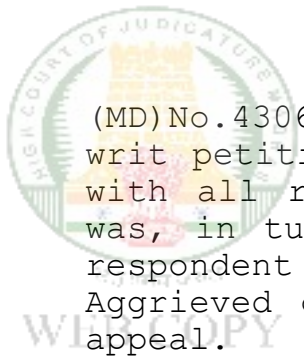
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent to accept the petitioners experience certificates given by Annai College of Arts and Science, Kovilachery, Kumbakonam, ABI and ABI College of Arts Science, Valayur, Thanjavur 613 003 and Marudhupandiyar College, Thanjavur, duly countersigned by the 2nd respondent dated 18.2.2020 and to provide the prescribed marks as stated in the 1st respondents Notification No.12/2019 dated 04.10.2019 in clause-13, Column Sr.No.1, to the petitioner for his application dated 15.11.2019 in User ID-TRBAPG742454 for the post of Assistant Professor of Economics, within the period as stipulated by this Honourable Court.

For Appellant : Mr.V.R.Shanmuganathan
For R.2 : Mrs.J.Padmavathi Devi
Special Government Pleader

JUDGMENT

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

This Writ Appeal is filed by the appellant challenging the order dated 09.03.2020, passed by the learned Single Judge in W.P.
<https://hcservices.ecourts.gov.in/hcservices/>



(MD)No.4306 of 2020, whereby and whereunder, the first respondent / writ petitioner was directed to submit the manual application along with all required enclosures and the appellant / first respondent was, in turn, directed to accept the same and to permit the first respondent / writ petitioner to participate in the interview. Aggrieved over the same, the appellant has filed the instant writ appeal.

2. The case of the first respondent / writ petitioner is that he is working as an Assistant Professor in a private college and his qualification is B.A., M.A., M.Phil., and Ph.D., specialization in Economics. The appellant / first respondent has issued a notification on 28.08.2019, inviting applications for direct recruitment to the post of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts & Science Colleges and Colleges of Education. The cut-off date was initially fixed as 24.09.2019 and thereafter, extended upto 15.11.2019, 30.11.2019 and then to 28.01.2020. In order to apply for the said post, the candidates have to submit their experience certificates, countersigned by the concerned authority, namely, the second respondent herein.

3. The writ petitioner has worked in (i) A Veeraiya Vandayar Memorial Sri Pushpam College, Poondi, Thanjavur; (ii) Annai College of Arts and Science, Kumbakonam; (iii) ABI & ABI College of Arts and Science, Thanjavur; and (iv) Marudhupandiyar College, Thanjavur. He has also submitted the experience certificates issued by the respective colleges to the second respondent on 22.10.2019. However, the second respondent has countersigned in the certificate issued by A Veeraiya Vandayar Memorial Sri Pushpam College, Poondi, Thanjavur alone and did not countersign the other experience certificates. Aggrieved, the writ petitioner has filed W.P.(MD)No.25431 of 2019 and based on the orders passed in the said writ petition, the second respondent has passed a rejection order dated 31.01.2020. The said order was challenged by the writ petitioner by filing W.P.(MD) No.2486 of 2020 and thereafter, based on the directions of the Court, the second respondent appeared and countersigned the documents submitted by the writ petitioner on 18.02.2020. In this process, there occurred a delay and since the delay was because of the second respondent, the writ petitioner has filed W.P.(MD)No.4306 of 2020, which ended in his favour and also impugned herein.

4. According to the learned Counsel for the appellant, the Teachers Recruitment Board / appellant is a recruiting body, which has to work with a scheme (notification) for selection and the cut-off dates mentioned in the notification are very important. In fact, in the present case, the cut-off date was extended thrice. Therefore, any leniency shown in the cut-off date, which was already extended, would be a bad precedent. Even according to the writ petitioner, the delay in submitting the application is because of getting the countersignature in the experience



certificates from the second respondent, for which, the appellant Board cannot be held responsible.

5. Heard the learned Counsel for the appellant and the second respondent. Notice to the first respondent / writ petitioner is dispensed with.

6. It is not in dispute that the first respondent / writ petitioner worked in various colleges and has also produced the relevant experience certificates to the second respondent for getting the countersign as early as on 22.10.2019. But, the second respondent has countersigned only one experience certificate and did not countersign the remaining certificates. As against the same, the first respondent moved this Court by way of a writ petition, well within the cut-off date fixed by the appellant / Board. Even thereafter, the second respondent has passed an order denying to countersign the experience certificates and when the same was challenged before this Court, the second respondent appeared and countersigned. In this process, there occurred a delay and in fact, the learned Counsel for the appellant / Board has not disputed this fact. We are of the considered opinion that the delay occurred because of the second respondent in countersigning the documents cannot be attributed to the first respondent /writ petitioner.

7. In view of the fact that the writ petitioner has submitted the relevant documents and has also moved the Court well within the cut-off date fixed by the appellant / Board, coupled with the fact that he is having the required qualifications, we are of the view that the order of the learned Single Judge deserves no interference. Therefore, the arguments advanced by the learned Counsel for the appellant stands rejected.

8. In fine, this writ appeal is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk



To

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

W.A. (MD) No. 956 of 2020

and

C.M.P. (MD) No. 5200 of 2020

29.10.2020

PM(CO)

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