

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 03.11.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos.12978 and 12979 of 2014**

WEB COPY

and**M.P(MD) .Nos.1 and 1 of 2014**

- 1.Dr.A.Suresh ... Petitioner in W.P(MD).No.12978/2014
2.Dr.M.Chandrasekaran ... Petitioner in W.P(MD).No.12979/2014

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of Higher Education,
Fort St.George, Chennai-09.

2.The Teacher's Recruitment Board,
Rep by its Secretary,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-06.

3.The Director of Collegiate Education,
O/o.of the Directorate of Collegiate Education,
Nungampakkam,
Chennai-6. ... Respondents in both W.Ps

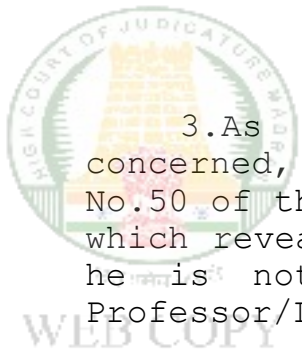
COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to publish the list of candidates for the remaining seven vacancies in the post of Assistant Professor/Lecturer in the Department of Commerce and consider the petitioners for appointment to the post of Assistant Professor/Lecturer in the Department of Commerce within the time period stipulated by this Court.

For Petitioners in
both W.Ps : M/s.Tamilmalar
For R1 and R3 : Mr.J.Gunaseelan Muthiah
in both W.Ps Additional Government Pleader
For R2 in
both W.Ps : Mr.VR.Shanmuganathan

COMMON ORDER

The relief sought for in these writ petitions is to direct the respondents to publish the list of candidates for the remaining seven vacancies in the post of Assistant Professor/Lecturer in the Department of Commerce and consider the petitioners for appointment to the post of Assistant Professor/Lecturer in the Department of Commerce, within the time period stipulated by this Court.

2.The learned counsel appearing on behalf of the Teachers Recruitment Board made a submission that the interim order initially granted in these writ petitions were vacated and thereafter, unfilled posts were filled, as per the rules in force.



3.As far as the petitioner in W.P(MD).No.12978 of 2014 is concerned, the representation dated 01.08.2014 is enclosed at page No.50 of the typed-set of papers filed along with the writ petition, which reveals that he has secured 34 marks out of 39 and therefore, he is not qualified for selection to the post of Assistant Professor/Lecturer.

4.The relief sought for in the writ petition is to direct the respondents to publish the list of candidates for the remaining seven vacancies, which were filled-up as per the merit list and the petitioner has secured only 34 marks and therefore, he was not selected.

5.As far as the writ petitioner in W.P(MD).No.12979 of 2014 is concerned, the counter affidavit filed by the second respondent reveals that the petitioner has secured 36 marks out of 39. The cut-off mark for selection in General Turn (G) and Backward Class (General) Communal Turn is 36 marks with date of birth as 05.05.1969 and 10.07.1972 respectively. Even though the petitioner has secured 36 marks, his date of birth is 25.11.1973 and he is junior in date of birth and therefore, he was not selected. The counter affidavit further reveals that the writ petitioner viz., Dr.M.Chandrasekaran, scored 36 marks out of 39, which is required for selection. However, the date of birth of the writ petitioner is 25.11.1973 and other elder candidates, who secured 36 marks were appointed in the particular category and therefore, the petitioner's case was not considered.

6.As far as the relief sought for in both the writ petitions are concerned, is to direct the respondents to publish the list of candidates for the remaining seven vacancies in the post of Assistant Professor/Lecturer in the Department of Commerce. In view of the fact that the remaining seven vacancies of Assistant Professor, were already filled up by publishing the list of marks, who all are eligible as per the rules. Therefore, the case of the writ petitioners were also considered and they are not coming within the zone of consideration. Thus, the writ petitioners were not selected to the post of Assistant Professor/Lecturer.

7.This being the factum established, these writ petitions are devoid of merits and the same stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

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/ /2020

Sub Assistant Registrar (CS)



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3. The Director of Collegiate Education,
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+1 CC to M/s.GP (SR-21088[F],21087[F] dated 04/11/2020)

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SSS (CO)
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