



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.18078 of 2014
and
M.P(MD) .Nos.1 and 2 of 2014

R.Mathu Pritha

... Petitioner

Vs.

The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned selection list of 19.09.2014 on the file of the respondent, to quash the same, to direct the respondent to select and appointment to the petitioner in the post of Assistant Professor in Mathematics, in Tamil Medium based on the merits within the time stipulated by this Court.

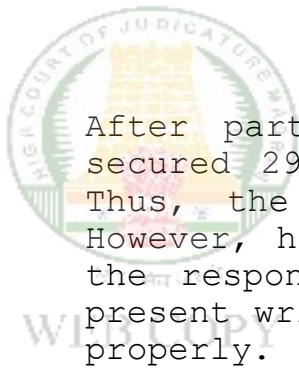
For Petitioner : Mr.V.Maragathavel

For Respondent : Mr.VR.Shanmuganathan

ORDER

The relief sought for in the present writ petition is to quash the selection list dated 19.09.2014 and to direct the respondent to select and appoint the petitioner to the post of Assistant Professor in Mathematics.

2.The petitioner states that pursuant to the recruitment notification issued for selection to the post of Assistant Professor in Tamil Nadu Collegiate Educational Service, the petitioner participated in the process of selection. Based on the call letter issued by the authority concerned, the petitioner participated in the process of Certificate Verification. It was stated that five marks would be awarded for SET Exam and two marks were awarded for each year and therefore, the petitioner was awarded 14 marks as she had 7 years of experience and had secured 19 marks out of 24.



After participation in the process of interview, the petitioner secured 29 marks out of 34 and her name was ranked at S.No.146. Thus, the petitioner was waiting for an order of appointment. However, her name was not found in the selection list published by the respondent. Thus, the petitioner is constrained to move the present writ petition on the ground that the marks were not awarded properly.

3.The respondent has filed a counter affidavit and relying on the said affidavit, the learned counsel for the respondent states that even in case the mark is awarded, the petitioner cannot be selected, as two more candidates are senior to the writ petitioner based on the date of birth. Regarding the award of marks, which has stated that the Government issued clarification G.O.Ms.No.91, Higher Education (K2) Department, dated 03.04.2009 stating that M.Phil qualification obtained through distance mode prior to issuance of the Government Order ie., before 03.04.2009 is considered as eligible qualification for awarding of weightage marks for Teaching Experience. Accordingly, TRB conducted 2nd certificate verification to the petitioner and awarded weightage marks to the petitioner for the period from 14.06.2006 to 31.05.2013 (ie) 7 years and awarded 14 marks for Teaching Experience and she was permitted to participate in the interview. The total marks scored by the petitioner is 29 marks.

4.The Government have issued G.O.Ms.No.145 P & AR (S) Department, dated 30.09.2010, wherein under caption Definition 2(b), it is stated as follows:

"2(b), Persons studied in Tamil Medium means persons who have obtained the educational qualification or qualifications prescribed for direct recruitment in the rules (or) regulations (or) orders applicable to any appointment in the services under the state through Tamil Medium Instructions.

11.As per the above provisions, candidates could be considered under Persons Studied under Tamil Medium, only if they pursued their P.G qualifications in Tamil Medium. Since the petitioner herself has admitted that she studied P.G degree in Mathematics in English Medium, the petitioner could not seek any relief to consider her under Person Studied in Tamil Medium category.

12.The Hon'ble Madurai Bench of Madras High Court in order dated, 13.08.2015 in W.P.No.24647 of 2015 has told that "as per the counter affidavit filed in W.P.No.700 of 2015 petitioner has studies Post Graduate Degree course in English medium and therefore, her candidature was not considered under Tamil preferential basis. From the reading of the Government, order it is manifestly clear that the intention of the Government to provide reservation of 20% vacancies is only to those who have studied the prescribed Educational Qualifications, for



the post in Tamil Medium and not to all. Court cannot interpret the intention of the Government to extend G.O.Ms.No.145, P&AR (S) Department, dated 30.09.2010, to all the services under the state."

With reference to the eligibility of the writ petitioner, the respondent Board considered the petitioner in BC category for the post of Assistant Professor (Mathematics).

"16.The last candidates selected in BCG & BCW category has secured cut off marks of 29 and were Senior in date of birth as the details given below.

Roll No.	Name	Final Selection Marks	Community	DOB
13AP1612008	Anu Sheela	29	BC	24.11.1971
13AP1604583	Naganathan	29	BC	13.06.1972

17.Since the petitioner has also secured 29 marks in BC turn and is junior in date of birth (17.01.1975); she was not considered for selection.

Roll No.	Name	Final Selection Marks	Community	DOB
13APD03016 5	M.Mathu Pritha	29	BC	17.01.1975

18.The Board completed the selection process of Assistant Professor (Mathematics) for the recruitment of Assistant Professor 2012 and all the vacancies notified had been filled. Therefore, the petitioner could not be considered for the selection for the post of Assistant Professor (Mathematics) due to the aforesaid reasons."

5.In view of the facts and circumstances of the case, the petitioner is not entitled for the relief as such sought for in the present writ petition and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai-600 006.

+1 CC to Spl GP (SR-25107[F] dated 11/12/2020)

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VB (21.12.2020) 4P 3C