

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.A.No.1228 of 2021
and
C.M.P.No.7843 of 2021

1.T.Rajalakshmi
D/o.C.Thilaikannu,
No.6, Kothangudi Street,
Chidambaram,
Cuddalore District - 608 001.

2.M.Kavitha,
W/o.K.Loganathan,
No.5, Annamalai Street,
Indira Nagar,
Kanchipuram District - 631 502.

....Appellants

Vs.

1.State of Tamil Nadu represented by
The Secretary to Government,
Education Department,
Fort St.George, Chennai - 600 006.

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

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent Act, praying to set aside the order dated 21.12.2020 passed in W.P.No.494 of 2020 on the file of this Court and allow the Writ Appeal.

W.P. No. 494/2020:

Petition filed under Article 226 of the Constitution of India praying Writ of Declarartion declaring that the rejection of the candidature of the Petitioners having Roll Numbers 4504314 and 2300520 respectively for the post of Computer

Instructor Grade -I by the 2nd Respondent is arbitrary , violative of articles 14 and 16 of the Constitution of India and consequently direct the 2nd Respondent to select the Petitioners for the post of Computer Instructor Grade -I pursuant to Notification No. 09/2019 dated 01.03.2019 for the year 2018-19 taking note of the marks obtained by the Petitioners in the online computer based examination held by the 2nd Respondent on 23.06.2019.

For Appellants : Mrs.Nalini Chidambaram
Senior Counsel for
Mrs.C.Uma

For Respondents : Mr.R.Neelakandan
State Government Counsel for R1
Mr.C.Munusamy
Standing counsel for R2

J U D G M E N T

(Judgment of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.It is submitted by the Learned Senior Counsel appearing for the Appellants that against the very same impugned common order, already a Writ Appeal has been filed in W.A.No.435 of 2021 before the First Bench of this Court, wherein, the order of the Learned Single Judge refusing to direct the Respondents to consider the Petitioners who got cross major qualification, to be appointed as Computer Instructors Grade-I (Post Graduate), has been confirmed and the Appeal was dismissed on 26.03.2021.

3.Heard Mrs.Nalini Chidambaram, Learned Senior Counsel appearing for the Appellants and Mr.R.Neelankandan, Learned State Government Counsel who takes notice on behalf of the Respondents.

4.It is seen that the Learned Single Judge relied upon sub-para (b)(iv) of para 4 of the notification, by which, qualification has been categorically prescribed and came to a conclusion that clauses in the notification are binding on the Petitioners. Sub-para (b)(iv) of para 4 of the notification No.09/2019 dated 01.03.2019 of the Teachers Recruitment Board is usefully extracted as follows:

"iv) As per G.O.Ms.No.361 School Education Department dated 31.12.1999, candidates should have studied the same subject or its equivalent subject in Bachelor's Degree and Master's Degree."

Therefore, they cannot now challenge the same as non-selection as they do not have required qualification. Hence, it is seen that there is no illegality in the order passed by the Learned Single Judge.

5. In view of the above, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

ay/sai
To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai - 600 006.

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

+1 CC to The Government Pleader sr 27506.

W.A.No.1228 of 2021

SP(14/06/2021)

सत्यमेव जयते

WEB COPY