

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3962 of 2021
(Heard through VC)

G.Jeyasutha

.. Petitioner

-vs-

1.The Secretary to the Government of Tamil Nadu,
Law Department,
Chief Secretariat,
St. Fort George,
Chennai - 600 009.

2.The Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai - 600 006.

3.The Director of Legal Studies,
Directorate of Legal Studies,
Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation dated 28.01.2021 made by the petitioner herein and pass appropriate orders on the representation on merits within the time stipulated by this Court.

For Petitioner : Mr.K.Vasanthanayagan

For Respondents 1 & 3 : Mr.P.Raja
Government Advocate

For Respondent 2 : Mr.C.Munusamy
Special Government Pleader

ORDER

The petitioner has come up with this writ petition seeking a direction to the respondents to consider the representation of the petitioner dated 28.01.2021 and pass appropriate orders on the representation on merits within the time stipulated by this Court.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondent Nos.1 and 3. Mr.C.Munusamy, learned Special Government Pleader takes notice on behalf of the respondent No.2.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The facts of the case is that the petitioner has applied for the post of Assistant Professor of Law based on the notification dated 18.07.2018. She secured 97 marks in the written examination and attended the interview on 26.02.2019. In the interview 20 candidates were participated for 10 existing vacancies in the Human Rights Department. Without publishing the interview marks, the second respondent has issued provisional selection list, in which, two general category candidates were provisionally selected for the Human Rights Department and later they got disqualified in view of G.O.Ms.No.28, dated 28.01.2020. An another candidate was erroneously placed in the reservation category, who is eligible to be placed in open quota according to the marks she secured in the written examination. Due to the same, the petitioner has not been selected by the second respondent in the reservation quota. In this regard, she has sent a detailed representation dated 28.01.2021 to the respondents to rectify the error occurred in the selection of the candidate. On receipt of her representation, the first respondent has informed that the unfilled vacancies in the post of Assistant Professors would be filled up on the receipt of the selection list from the second respondent board. In spite of several representations sent by the petitioner, the second respondent board has not rectified the error so far and prepared the selection list. Hence, this writ petition.

5. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the respondents herein to consider the petitioner's representation dated 28.01.2021, if not already considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and others if any, who are likely to be affected, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the respondents either physically or virtually or she shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit her written submission, there is no bar for the respondents to pass orders on the petitioner's representation

based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Secretary to the Government of Tamil Nadu,
Law Department,
Chief Secretariat,
St. Fort George,
Chennai - 600 009.

2.The Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai - 600 006.

3.The Director of Legal Studies,
Directorate of Legal Studies,
Chennai.

+1 cc to M/s.K.Vasanthanayagan, Advocate Sr No.11204

+1 cc to Special Government Pleader Sr No.11117

+1 cc to Special Government Pleader Sr No.11275

सत्यमेव जयते

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23.02.2021

RP (CO)

RG.26.04.2021 (3p.7c)

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