



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.4721 OF 2021 AND
WMP NO.5335 OF 2021

K.Sampoornam

...Petitioner

-vs-

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.
3. The Commissioner,
Employment and Training Department,
Guindy, Chennai-600 032.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to allow the petitioner to participate in the Certificate Verification for selection to the post of Sewing Teacher in School Education under GTG or MBC category based on merit, by considering the representation submitted by the petitioner, dated 10.02.2021, in terms of proceedings of third respondent in Na.Ka.No.Tho.Pa1/33383/94 dated 01.09.1994 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Raja,

Government Advocate for R1 and R3

Mr.C.Munusamy,

Special Government Pleader for R2

O R D E R

This Writ petition is filed, seeking a direction to respondents 1 and 2 to allow the petitioner to participate in the Certificate Verification for selection to the post of Sewing



Teacher in School Education under GTG or MBC category based on merit, by considering the representation submitted by the petitioner dated 10.02.2021, in terms of proceedings of third respondent in Na.Ka.No.Tho.Pa1/33383/94 dated 01.09.1994 within a time frame to be fixed by this Court.

2.Mr.P.Raja, learned Government Advocate takes notice for respondents 1 and 3 and Mr.C.Munusamy, learned Special Government Pleader takes notice for the second respondent. By consent, final orders are passed in the Writ Petition at the admission stage.

3. It is the case of the petitioner that he belongs to Most Backward Class (MBC) community and he has undergone the course of training at Model Training Institute and passed the prescribed Trade test in the Trade of Cutting and Tailoring held in July 1992. Thereafter, he has undergone Training in Embroidery and passed Government Technical Examination in November 1992. Based on the above qualifications, the petitioner got admission in Technical Teacher Certificate Course conducted by the Department of Employment and Training, Tamil Nadu and passed TTC in June 2011 and he has been issued with Technical Teacher Certificate (TTC). Pursuant to the notification issued by TRB dated 26.07.2017, the petitioner submitted an application for selection and appointment to the post of Sewing Teacher and he was called to attend the examination to be conducted on 27.09.2017. Though the petitioner secured 66 marks, the respondents issued the impugned communication dated 12.10.2018 declaring that he was not selected with remarks. Since the respondent TRB proceeded to call for the candidates belong to MBC with lesser marks than the petitioner, he submitted a representation to the third respondent seeking to consider his educational qualification as well as technical qualification and to select him to the post of Sewing Teacher. As there was no response from the respondents, the petitioner is before this Court.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents 1 and 2 herein to consider the representation preferred by the petitioner dated 10.02.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 15 days from the date of receipt of a copy of this order;



ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents 1 and 2 shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 10.02.2021 and this order, to the respondent concerned forthwith;

v) The respondent 1 and 2 is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.



3. The Commissioner,
Employment and Training Department,
Guindy, Chennai-600 032.

+1cc to Mr.G.Sankaran, Advocate, SR.No.13453

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MG (CO)
KKV/23/03/2021