

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4842 of 2020
and W.M.P.No.1127 of 2021

Ms.Ratha

... Petitioner

-vs-

1. The Secretary,
Department of Education,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2. The Member Secretary,
Tamil Nadu Teachers' Recruitment Board,
Chennai-600 006.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 24.01.2020 and call the petitioner for verification of certificate for recruitment to the post of Post Graduate Assistant.

For Petitioner : Mr.G.Senthilkumar

For R1 : Mr.P.Raja
Govt. Advocate

For R2 : Mr.C.Munusamy
Spl. Govt. Pleader

सत्यमेव जयते
O R D E R

The petitioner has come forward with this writ petition, seeking a direction to the 2nd respondent to consider her representation dated 24.01.2020 and call her for verification of certificate for recruitment to the post of Post Graduate Assistant.

2. Heard the learned counsel on side and perused the material documents available on record.

3. According to the Petitioner, pursuant to her application, she was issued an Admission Card to undergo the computer based examination to the post of Post Graduate Teaching Assistant,

held on 27.09.2018 and in the said examination, she secured 74 marks. It is submitted that consequent to the order passed by this Court in the Writ Petition filed by some of the candidates, challenging the key answers, a revised list was published and since she was not aware of the recent development, she did not verify the email. Subsequently, when she opened her email, she came to know that she was called for certificate verification. It is further submitted that since the certificate was not produced within time, she was not allowed to participate in the counselling for certificate verification and the representation dated 24.01.2020 sent by the petitioner also did not evoke any response. Aggrieved by the inaction of the respondents, the petitioner is before this Court.

4. The prayer sought for by the petitioner has been innocuously drafted as if it is a case of mere disposal of the representation dated 24.1.2020 with regard to verification of her certificate, but seen in depth, it could be noticed that the petitioner has moved yet another Miscellaneous Petition in W.M.P.No.1127 of 2021 for a direction to the 2nd respondent to permit her to submit her certificates in the counselling scheduled on 20.01.2021, viz., tomorrow.

5. At this juncture, learned counsel for the petitioner drew the attention of this Court to the additional typeset of papers dated 11.01.2021 to substantiate his argument that though the Roll Number of the petitioner finds place at Sl.No.95 in the revised list, it is shown in the remarks column as if she attended the certificate verification. But the fact remains that she did not attend the certificate verification, as she was aware of the counselling belatedly and therefore, she may be given one more chance to appear for certificate verification.

6. Learned Special Government Pleader appearing for R2 contended that the date for certificate verification was fixed as early as on 21.01.2020 and almost a year has gone by and the petitioner, having evinced no interest to take steps to attend for certificate verification, has filed the present Writ Petition in the year 2020, which is not at all maintainable.

7. In reply, learned counsel for the petitioner reciprocated that in the revised list, it was mentioned that the petitioner had attended the certificate verification, which is incorrect, as she did not appear for certificate verification and that was the reason as to why she approached this Court in the year 2020.

8. A circumspection of the facts put forth on either side unravels that there seems to be a clerical error in mentioning about her appearance in the certificate verification, as "to err is human" like the petitioner, who had wrongly mentioned the

date of representation as 24.01.2019, instead of 24.01.2020 in Paragraph No.2 of the affidavit filed by her. The petitioner cannot be permitted to take advantage of the clerical error committed by the respondents and the request of the petitioner could have been considered in case there was no communication at all from the respondents with regard to certificate verification. It is an admitted fact that the petitioner duly received intimation in time through Email in respect of certificate verification and the respondents cannot be blamed for the lack of vigilance about the receipt of email by the petitioner. Though the relief sought for in this writ petition is with regard to disposal of her representation, grant of such prayer to the petitioner will amount to opening a Pandora Box and this Court do not want to be a party to start further litigation and in such an event, there will be no finality to any litigation.

9. Hence, finding force in the submission made by the respondents, the Writ Petition is dismissed as devoid of merits. In view of the detailed order passed in this Writ Petition, the Miscellaneous Petition is also ordered to be closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The Secretary,
Department of Education,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Member Secretary,
Tamil Nadu Teachers' Recruitment Board,
Chennai-600 006.

+1 CC to The Government Pleader sr 3031.

W.P.No.4842 of 2020

RSV(CO)
SP(05/02/2021)