

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.7192 of 2021
and WMP.No.7706 of 2021

1. P. Ramar

2. V. Dharumalingam

... Petitioners

...Vs...

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

2. Chief Educational Officer,
Salem District,
Salem.

3. Chief Educational Officer
Pudukottai District,
Pudukottai.

4. The Chairman
Teacher Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006.

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to enquire and verify the selection to the post of Physical Education Teacher made under persons studied under Tamil Medium Category with regard to Tamil Medium certificate produced for Bachelor of Physical Education (B.P.Ed.,) course and Bachelor of Physical Education and Sports (B.P.E.S.) course in Y.M.C.A College of Physical Education, Nandanam, Chennai and to consider the petitioners for selection to the post of Physical Education Teacher based on merit in selection, in consideration of representation submitted by the petitioners dated 11.02.2021 within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran
For Respondents : Mr.P.Raja
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to enquire and verify the selection to the post of Physical Education Teacher made under persons studied under Tamil Medium Category with regard to Tamil Medium certificate produced for Bachelor of Physical Education (B.P.Ed.,) course and Bachelor of Physical Education and Sports (B.P.E.S.) course in Y.M.C.A College of Physical Education, Nandanam, Chennai and to consider the petitioners for selection to the post of Physical Education Teacher based on merit in selection, in consideration of representation submitted by the petitioners dated 11.02.2021.

2. Mr.P.Raja, learned Government Advocate takes notice for respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that they are qualified with Higher Grade Physical Education (H.P.Ed.,) eligible for appointment to the post of Physical Education Teacher (P.E.T.). The respondent TRB issued Notification No.05/2017 dated 26.07.2017 inviting applications for direct recruitment to the post of Special Teachers including Physical Education Teacher in School Education and other departments for the year 2012-16. Consequent to the notification, the petitioners submitted applications for selection and appointment to the post of P.E.T. After litigations the selection has been processed only in the month of November 2020 by conducting Certificate Verification followed by selection list. The petitioners come to know that number of candidates (more than 100) have participated in the selection and got selected by producing Bogus Certificate with reference to claiming preference under PSTM category as if they studied Bachelor of Physical Education (B.P.Ed.,) course in Y.M.C.A. College of Physical Education as per reply furnished under RTI Act. Further Tamil Nadu Physical Education and Sports University also furnished information dated 21.01.2019 by making it clear that no affiliated College is conducting Physical Education course in Tamil Medium. The petitioners have lost their chance of selection to the post of P.E.T. due to serious irregularities in the matter of selection. The petitioners have submitted representation to the respondents seeking to verify the selection that have been made under PSTM category and number of candidates secured appointment by producing Bogus Certificate claiming to have studied B.P.Ed., in Y.M.C.A. College of

Physical Education in Tamil Medium. Therefore it is just and necessary for the respondents to enquire into the matter by verifying the selection made under PSTM category on production of certificate that they have studied in Tamil Medium in Y.M.C.A. College of Physical Education, Chennai. Since there was no reply from the respondents the petitioner has approached this Court with the present writ petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioners representation is already pending with the respondents and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representations preferred by the petitioners dated 11.02.2021 if the petitioners are found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioners are 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 petitioners fails to appear or file a written submission in time, the respondents 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 petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 11.02.2021 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioners 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 petitioners, 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq

To

1. The Director of School Education
DPI Campus College Road,
Chennai 600 006.
2. Chief Educational Officer,
Salem District,
Salem.
3. Chief Educational Officer
Pudukottai District,
Pudukottai.
4. The Chairman
Teacher Recruitment Board,
4th floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai 600 006.

+1 CC to Mr.G. Sankaran, Advocate sr 18168
+1 CC to The Government Pleader sr 18451.

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EV(CO)
SP(02/07/2021)

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