

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18023 of 2019
and
W.M.P.No.17419 of 2019
(Heard through VC)

S.Jayalakshmi ... Petitioner

-vs-

1.The Chairman,
Teachers Recruitment Board,
E.V.K. Sampath Maligai, 4th Floor,
D.P.I. Compound,
College Road,
Chennai - 600 006.

2.The Teachers Recruitment Board,
Rep. by its Member Secretary,
E.V.K.Sampath Maligai, 4th Floor,
D.P.I. Compound,
College Road,
Chennai - 600 006.

3.The Director,
Directorate of School Education,
D.P.I. Compound,
College Road,
Chennai - 600 006.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceeding of the first respondent in R.C.No.12364/PG/R5/2013, dated 04.01.2019 and quash the same as illegal and consequently direct the respondents to include the name of the petitioner in provisional selection for the post of P.G.Assistant (Economics) in the recruitment of Post Graduate Assistant 2012-2013 and to appoint the petitioner as P.G.Assistant (Economics).

For Petitioner : Mr.R.Govindaraj

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The writ petition has been filed challenging the order passed by the first respondent in R.C.No.12364/PG/R5/2013, dated 04.01.2019 and consequently for a direction to the respondents to include the name of the petitioner in provisional selection for the post of P.G. Assistant (Economics) in the recruitment of Post Graduate Assistant 2012-2013 and to appoint the petitioner as P.G. Assistant (Economics).

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The facts of the case is that the second respondent herein has called for application for the post of Post Graduate Assistant for Government Higher Secondary Schools. The petitioner applied for the said post and she was called upon to attend a written examination. The petitioner has secured 96 marks in the written examination and she belonged to the Backward Class Community. Since the petitioner was not selected in the provisional list for certificate verification, she filed a writ petition in W.P.No.31294 of 2013 and the same was allowed. Thereafter, she was called for certificate verification by communication dated 05.12.2018 asking her to appear for certificate verification on 07.12.2018. The said letter was received by the petitioner only on 07.12.2018 and she appeared on the same day and there was no time for the petitioner to obtain the certificate as required in Clause 2(ix) of the letter dated 07.12.2018.

4. It is no doubt true, there has been a delay on the part of the respondents and the petitioner has pleaded time and stated that after scrutiny of documents with the original documents, the candidature would be considered and any document produced thereafter will not be considered.

5. The respondents have admitted that all the documents required, has been produced except the Certificate from the College that she has studied M.A. Economics in Tamil Medium.

6. The fault is not on the part of the petitioner, as the communication has reached the petitioner only on 07.12.2018 and the petitioner appeared on the same date. There was no

sufficient breathing time for the petitioner to produce the certificate as required by the respondents. In this case, the respondents ought not have rejected the request of the petitioner. They could have rejected, if the petitioner has secured lesser marks than the other candidates. As the petitioner is a meritorious candidate, rejecting her candidature merely on the technicality may not be correct. Hence, I am of the view that there is a prima facie case and the impugned order is interfered with and the respondents are directed to accept the certificate as required in Clause 2(ix) and consider the case of the petitioner, in accordance with rules / regulations / guidelines. If meritorious, her candidature shall be considered ignoring the case of the other candidates, who secured lesser marks, preferably within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Chairman,
Teachers Recruitment Board,
E.V.K. Sampath Maligai, 4th Floor,
D.P.I. Compound,
College Road,
Chennai - 600 006.

2.The Member Secretary,
Teachers Recruitment Board,
E.V.K.Sampath Maligai, 4th Floor,
D.P.I. Compound,
College Road,
Chennai - 600 006.

3.The Director,
Directorate of School Education,
D.P.I. Compound,
College Road,
Chennai - 600 006.

+1cc to Mr.R.Govindaraj, Advocate Sr.9993
+1cc to the Government Pleader Sr.9901

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and
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srg 30/03/2021



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