



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.12.2021

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WEB COPY

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 29383 of 2014
and M.P.No. 1 of 2014

M. Mutheeswari

..Petitioner

Vs

1.The State of Tamil Nadu represented
by its Secretary to Government,
School Education Department,
Secretariat, Chennai-600009.

2.The Director of School Education,
College Road, Chennai -600006.

3.The Member-Secretary,
Teachers Recruitment Board,
College Road,
Chennai-600006.

..Respondents

Prayer: writ petition is filed under Article 226 of Constitution of India for Writ of Mandamus, directing the respondents to follow the rules of procedure prescribed in G.O. Ms.No. 477 Education Department dated 04.05.1989 and award weightage marks for the period of wait in the Employment exchange after the registration of qualification, teaching experience and for higher qualification, for selection to the post of B.T Assistant and add the same to the weightage marks 58.7 as awarded under the G.O.Ms.No. 71 School Education (TRB) Department dated 30.05.2014 and select and appoint the petitioner as B.T.Assitant (Tamil) ie. Graduate Assistant in the vacancies available under the control of the respondents in Government High and Higher Secondary Schools and other Local bodies schools with all benefits in the existing vacancies under the control of respondents.

For Petitioner : R.Saseetharan

For Respondents: Mr.V.Nanmaran, AGP - R1& R2
Mr.C.Kathiravan, AGP- R3

O R D E R

The prayer in the writ petition is for a mandamus, seeking directions to the respondents to follow the rules of procedure prescribed in G.O. Ms.No. 477 Education Department dated 04.05.1989 and award weightage marks for the period of



wait in the Employment exchange after the registration of qualification, teaching experience and for higher qualification, for selection to the post of B.T Assistant and add the same to the weightage marks 58.7 as awarded under the G.O.Ms.No. 71 School Education (TRB) Department dated 30.05.2014 and select and appoint the petitioner as B.T.Assitant (Tamil) ie. Graduate Assistant in the vacancies available under the control of the respondents in Government High and Higher Secondary Schools and other Local bodies schools with all benefits in the existing vacancies

2. Heard both sides and perused the documents available on record.

3. The learned counsel for the petitioner has submitted that the petitioner after acquiring qualification of B.A., M.A., B.Ed., had registered his name in the employment exchange on 23.07.1998. The Government had passed order in G.O.Ms.No.29, dated 14.02.2014 prescribing the method of awarding weightage marks for selection to the post of BT (Assistant) and Secondary Grade Teacher. The said G.O was challenged along with G.O.Ms.No. 252 dated 05.10.2012 by the similarly placed persons before this Court. By order dated 29.04.2014, in the batch of writ petitions, this Court has set aside the above said Government order so far the method prescribed for awarding of marks by way of grading method and issued a direction to the Government to prescribe any scientific rational method for awarding weightage marks for Higher Secondary , DETD, Degree, B.,Ed and Teachers Eligibility Test. Accordingly, the Government G.O.Ms.No. 71, dated 10.05.2014 issued guidelines for awarding weightage marks for Graduate Assistants i.e B.T Assistants as follows;

- I).Higher Secondary Exam - 10 Marks
- II).Degree Exam - 15 Marks
- III).B.Ed Exam - 15 Marks
- IV).Teachers Eligibility Test- 60 Marks

4. The learned counsel for the petitioner has submitted that no weightage marks for the period of wait in the Employment exchange was awarded in the said G.O. The petitioner has registered his name in the employment exchange on 23.07.1998 after acquiring qualification of B.A., M.A., B.Ed., The period of wait in the employment exchange comes to 16 years, therefore he is entitled for 8 marks, which is the maximum marks prescribed for period of weightage and 5 marks for teaching experience.

5. The contention of the learned counsel for the petitioner is that, since the Government had passed orders in G.O.Ms.No. 71 School Education (TRB) Department dated 30.05.2014 framing guidelines for awarding weightage marks, it is for the Government to take appropriate decision for fixing eligibility Criteria for the recruitment of the post of PG



(Assistant) and Secondary Grade Teachers.

6. The learned counsel for the petitioner has further submitted that if the Government considers the said claim of the petitioner for including the weightage marks for the period of wait in the employment exchange, it would be beneficial to the similarly placed person as well as the petitioner who are waiting for job opportunities for several years inspite of having required qualifications.

7. Even though the prayer sought for by the petitioner in the present writ petition is for a positive direction to the respondent, the learned counsel for the petitioner restricted his claim to permit the petitioner to approach the Government and seek remedy. Since framing of guidelines for recruitment and awarding weightage marks for the period of wait in the employment exchange after registration are all the policy decisions of the Government, the request of the learned counsel for the petitioner seeking directions to the Government cannot be accepted, hence the contention of the writ petitioner is liable to be rejected. However, the learned counsel for the petitioner also not contravened the said fact that the petitioner cannot insist upon to make provisions for awarding weightage marks for the period of wait in the employment exchange and prays for consideration to seek his remedy before the Government.

8. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court does not stand in the way of the petitioner to make representation to the Government within one week from the date of receipt of a copy of this order and seek remedy. If any such representation is received, within a stipulated period, the Government shall pass appropriate orders on the representation, on merits and in accordance with law, preferably within a period of twelve weeks from the date of receipt of such representation.

9. With the above the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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1. The Secretary to Government,
School Education Department,
Secretariat, Chennai-600009.

3.The Member-Secretary,
Teachers Recruitment Board,
College Road,
Chennai-600006.

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