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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.23225 OF 2021

AND

W.M.P.NO.24524 OF 2021

(THROUGH VIDEO CONFERENCING)

K.Sampoornam

... Petitioner

Vs

1. The Commissioner of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chairman,
Teachers Recruitment Board,
Puratchithalaivar MGR Centenary Building,
3rd Floor, DPI Campus, College Road,
Chennai - 600 006.
3. The Commissioner,
Employment and Training Department,
Guindy, Chennai - 600 032.
4. The Tamil Nadu Higher Education Council,
Dr.J.Jayalalitha Maaligai,
Kamarajar Salai,
Chennai - 600 005.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the Petitioner for selection to the post of Sewing Teacher in School Education Department under GTG or MBC category based on the Notification No.5/17 dated 26.07.2017 issued by the second respondent in consideration of equivalence of National Trade certificate in the trade of cutting and Tailoring obtained from the Model Training Institute attached to Central Training Institute, Guindy, Chennai as equivalent qualification and



consequently allow the petitioner to undergo the process of Certificate Verification and to select and appoint the petitioner in the post of Sewing Teacher based on merit in selection.

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For Petitioner : Mr.G.Sankaran
For R1, R3 & R4 : Mr.L.S.M.Hasan Fizal
Government Advocate.
For R2 : Mr.C.Kathiravan
Government Advocate.

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner for selection to the post of Sewing Teacher in School Education Department under GTG or MBC category based on the Notification No.5/17 dated 26.07.2017 issued by the 2nd respondent in consideration of equivalence of National Trade Certificate in the trade of Cutting and Tailoring obtained from the Model Training Institute attached to Central Training Institute, Guindy, Chennai as equivalent qualification and consequently allow the petitioner to undergo the process of Certificate Verification and to select and appoint the petitioner in the post of Sewing Teacher based on merit in selection.

2. The petitioner had earlier filed a Writ Petition in W.P.No.31262 of 2018 against the communication dated 12.10.2018 issued by the third respondent. The said Writ Petition is stated to have been allowed on 12.03.2019. It is noticed that the said writ petition was filed for the following relief:-

"This writ petition has been filed for a Writ of Certiorarified Mandamus calling for the records relation to the impugned communication issued by the third Respondent in No.Nil dated 12.10.2018 and to Quash the same and consequently directing the Respondents to select and appoint the Petitioner to the post of Sewing Teacher in School Education under GTG or MBC category, with all consequential benefits and other attendant benefits."

3. The Court records of the above writ petition was called. It is noticed that there is an endorsement that the Writ Petition was disposed on 22.02.2019 and the said endorsement was thereafter scored off and another endorsement is made as if the



writ petition has been allowed on 12.03.2019.

4. Though the court bundle indicates that the order has been passed on 12.03.2019 in the above writ petition, the order copy is not available in the Court bundle.

5. The status of the above case in the website however indicates that the writ petition was dismissed.

6. Therefore, Registry is directed to ascertain the status to update the records by either obtaining the order of the learned Single Judge dated 22.02.2019 dismissing the writ petition or order dated 12.03.2019 allowing the writ petition.

7. Much water has flown during the intervening period after the order dated 02.03.2021 was passed in W.P.No.4721 of 2021. The said writ petition was filed 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.Pa 1/33383/94 dated 01.09.1994 within a time frame to be fixed by this Court and disposed with the following observations:

- 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;



10. This writ petition is therefore disposed of by directing the fourth respondent to consider and pass appropriate orders on merits and in accordance with law on the representation dated 30.06.2021 of the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgm

To

1. The Commissioner of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chairman,
Teachers Recruitment Board,
Puratchithalaivar MGR Centenary Building,
3rd Floor, DPI Campus, College Road,
Chennai - 600 006.
3. The Commissioner,
Employment and Training Department,
Guindy, Chennai - 600 032.
4. The Tamil Nadu Higher Education Council,
Dr.J.Jayalalitha Maaligai,
Kamarajar Salai,
Chennai - 600 005.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.56461
+1cc to the Government Pleader, S.R.No.57151

W.P.No.23225 of 2021
and
W.M.P.No.24524 of 2021

RR(CO)
PM/25/02/2022