



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND**

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.381 of 2012

and

M.P(MD)No.1 of 2012

The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
D.P.I. Compound,
College Road,
Chennai - 600 006.

... Appellant/Petitioner

Vs.

K.Bhaskar

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 11.11.2008 made in W.P(MD)No.8768 of 2008 on the file of this Court.

Prayer in WP(MD). 8768/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the results fo the candidates provisionally selected for appointment under Special Recruitment of Lectureres pertaining to SC /ST candidates in Government arts and science colleges 2008-2009 published by the respondnet on 18/09/2008 and quash the entry Not selected relating to the petitiioiner under caption provisionally selected and to direct the respondent to include the petitiioiner's name at the appropriate place in the said selected candidates list taking into consideration the 15 marks under the head Teaching Experience in addition to the marks under interview marks.

For Appellant : Mr.VR.Shanmuganathan,
Special Government Pleader

For Respondent : No appearance



JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

This is a pathetic plight of a Lecturer, who had missed his appointment between the cup and the lip.

2.The appellant is the Teachers Recruitment Board challenging the order passed in W.P(MD)No.8768 of 2008, which was allowed on 11.11.2008 and offered an opportunity to the respondent / writ petitioner, who is a Lecturer.

3.The respondent / writ petitioner joined as a Lecturer in St.Joseph's College, Trichy in the year 1995 and was working there till 31.05.2005. Since his contract of employment got expired, he was not allowed to continue his job. Having served for 10 years, the respondent / writ petitioner had approached the College authorities to issue him a Teaching Experience Certificate and Service Certificate, but the College authorities declined to give the same. Therefore, the respondent / writ petitioner had filed a Writ Petition in W.P(MD)No.1016 of 2008 before this Court, seeking a direction to the College authorities to issue Teaching Experience Certificate and Service Certificate to the respondent / writ petitioner and this Court, by order, dated 26.06.2008, had directed the College authorities to issue the said certificates to the respondent / writ petitioner on or before 30.06.2008. Pursuant to the direction given by this Court, the College authorities issued Service Certificate on 26.06.2008 and Teaching Experience Certificate on 30.06.2008. While so, the respondent / writ petitioner had applied for the post of Lecturer in a Government College, for which he was called for the certificate verification on 20.06.2008. Originally, the notification calling for the post of Lecturers was issued on 14.01.2008.

4.As stated above, the respondent / writ petitioner could receive the Service Certificate and Teaching Experience Certificate only on 26.06.2008 and 30.06.2008 respectively, the same could not be produced at the time of certificate verification. As per the interview norms, the Service Certificate and Teaching Experience Certificate carries separate marks. The respondent / writ petitioner had also assured that he would produce the relevant certificates before the date of interview, which was on 18.08.2008. As assured, the respondent / writ petitioner also had obtained the above certificates and produced the same before the appellant-Teachers Recruitment Board. However, the appellant-Teachers Recruitment Board declined to grant marks for the above two certificates only on the ground that they were not produced at the relevant date, namely, the certificate

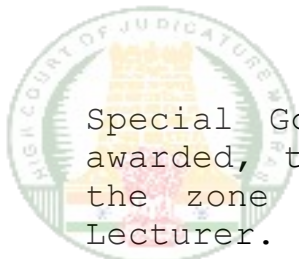


verification session. On 18.09.2008, the selection list was published, wherein, the respondent / writ petitioner was not selected, as he was not awarded the marks for his certificates. Had the marks been awarded to him for the certificates, the respondent / writ petitioner would have been selected and appointed as a Lecturer. Therefore, the said selection list was challenged by the respondent / writ petitioner in W.P(MD)No.8768 of 2008, which was allowed on 11.11.2008, directing the appellant-Teachers Recruitment Board to award marks for the Service Certificate and Teaching Experience Certificate and consider the respondent / writ petitioner for the post of Lecturer. The said exercise was also directed to be completed within a period of two months from the date of receipt of a copy of the order. Challenging the same, the appellant-Teachers Recruitment Board had preferred an appeal against the said order and obtained an interim order of stay.

5.The learned Special Government Pleader appearing for the appellant-Teachers Recruitment Board submitted that unless and otherwise the Certificates are produced on the date fixed for the verification of certificates, marks could not be awarded. According to the procedure, if the certificates are not produced on the date fixed, then no marks would be allotted for the same, even if they are produced later.

6.Heard the learned Special Government Pleader appearing for the appellant and there is no representation for the respondent and perused the materials available on record.

7.When there is a specific date given for the certificate verification, a candidate is bound to produce the same on the date fixed, failing which, he or she will not be entitled for the marks for the same, even if they are produced at a later point of time. But, here is a peculiar case, where, it is not the fault of the candidate, but it is the College authorities which had refused to issue such certificates, though he had put in 10 years of experience, on a contract basis. The respondent / writ petitioner also had after having exhausted all these efforts, moved this Court seeking a direction to the said authorities to get the certificates issued. The respondent / writ petitioner received the certificates only after the date fixed for certificate verification, however, before the date of interview and it is also not the case of the appellant-Teachers Recruitment Board that the respondent / writ petitioner had produced the certificates after the interview or even the selection process was over. The delay in production was only due to the above mentioned reasons. Therefore, considering the same, this Court had directed the authorities to award the marks for the certificates and consider the case of the petitioner if he is within the zone of consideration. The learned



Special Government Pleader also stated that if the marks were awarded, the respondent / writ petitioner would have come within the zone of consideration and would have been appointed as a Lecturer. Merely because of the pendency of the Writ Appeal, the career prospectus of the respondent / writ petitioner was doomed. The respondent / writ petitioner must be above 45 years as on date. It is also not known, he is otherwise employed as a Lecturer anywhere else.

8.In such circumstances, there is no merit to interfere with the order of the learned Single Judge and the same is confirmed. The appellant-Teachers Recruitment Board is directed to consider the case of the respondent / writ petitioner and if he is otherwise qualified, shall issue an order of appointment to the respondent / writ petitioner within a period of two months from the date of receipt of a copy of this order.

9.With the above direction, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
D.P.I. Compound,
College Road,
Chennai - 600 006.

W.A (MD) No.381 of 2012
21.01.2021

KM (08.02.2021) 5P 2C