



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.4508 of 2019

and

W.M.P (MD)Nos.3583 & 3584 of 2019

Kumaran

... Petitioner

vs.

1.The Member Secretary,
Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
D.P.I Compound,
College Road,
Chennai.

2.The Director of School Education,
D.P.I Compound,
College Road,
Chennai - 6.

3.The Tamil Nadu Physical Education and
Sports University,
Melakottaiyur Post,
Vandalur,
Kelambakkam Road,
Chennai - 600 127.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents not to fill up the Physical Education Teacher post pursuant to the Notification No.5 of 2017, dated 26.07.2017 without verifying the genuineness of PSTM certificates produced by the candidates provisionally selected.

For Petitioner	: Mr.S.Venkatesh
For R - 1	: Mr.AL.Kannan
	for Mr.VR.Shanmuganathan
For RR 2 & 3	: Mr.K.S.Selvaganesan
	Government Advocate

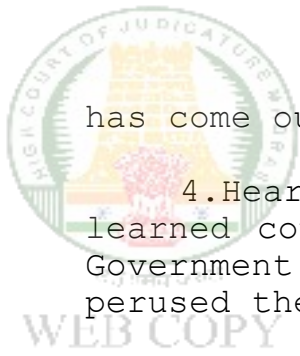


ORDER

The petitioner has filed the present Writ Petition, to direct the respondents not to fill up the Physical Education Teacher post pursuant to the Notification No.5 of 2017, dated 26.07.2017, without verifying the genuineness of PSTM certificates produced by the candidates, who are provisionally selected.

2. According to the petitioner, on 26.07.2017, a Notification was issued by the Teachers Recruitment Board calling for filling up the posts of Special Teacher in Physical Education, Music, Drawing and Sewing. The petitioner submitted his application through online on 03.08.2017, for the said posts. The petitioner appeared in the examination and secured 66 marks and he was called for certificate verification on 13.08.2018 under B.C general quota. On certificate verification, additional 5 marks were added for his seniority in Employment Exchange and his total marks comes to 71. The tentative list was published on 12.10.2018, wherein the petitioner's name was not included, whereas the candidates, who scored 72 marks, were listed under B.C general category.

3. Further, according to the petitioner, in the Notification, it has been stated that if there are no qualified eligible candidates available in the respective quota, then the other candidates from its own respective general category can be absorbed and appointed in the available vacant reserved posts. This procedure has been followed by the respondents during 2016-17 for the post of direct recruitment of Post Graduate Assistants/Physical Director Grade-I. The same procedure has to be followed for the post of direct recruitment of Special teachers covered by the current Notification. It is also necessary to submit that even for non-availability of Tamil medium candidate, non-tamil medium candidates have been selected and for non-availability of women candidate, male candidate has been selected and appointed in the said post. For B.P.Ed course, there is no Tamil medium approved by the Tamil Nadu Sports University. The petitioner obtained information under the RTI Act, wherein the Tamil Nadu Physical Education and Sports University stated that no College affiliated to the University has been permitted to conduct B.P.Ed Tamil Medium. While so, few candidates have participated in the Teachers Recruitment Board exam by showing their course completion certificate by Tamil medium. These persons are not eligible to participate in the Teachers Recruitment Board exam as they are not eligible for the examination itself. If there is no eligible and qualified persons available under the quota for Tamil medium, then such reserved posts should be filled by absorbing candidates from general category. Since there is no affiliation to conduct B.P.Ed course under Tamil medium by the Tamil Nadu Physical Education and Sports University, there is no possibility for issuing Tamil medium certificates for B.P.Ed course. Hence, the petitioner



has come out with the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner; the learned counsel appearing for the first respondent and the learned Government Advocate appearing for the respondents 2 and 3 and perused the entire materials available on record.

5. From the materials available on record, it is seen that the petitioner has sought for the relief directing the respondents not to fill up the Physical Education Teacher post pursuant to Notification No.5 of 2017, dated 26.07.2017, without verifying the genuineness of PSTM certificates produced by the candidates, who are provisionally selected. When the Notification is issued for appointment, it is for the respondents to verify the genuineness of certificates, not only PSTM certificate, but all the certificates of provisionally selected candidates. The petitioner has made various allegations and the relief is misconceived. Hence, the petitioner is not entitled for such relief.

6. For the above reasons, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-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

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SSS (CO)
LR (04.08.2021) 4P 4C