



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.24591 of 2019

and W.M.P. (MD).Nos.21247 and 21248 of 2019

P.Vadivel

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of Collegiate Education,
Fort St. George,
Chennai - 09.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
EVK Sampath Maligai, 9th Floor,
College Road,
Chennai - 600 006.

3.The Joint Director of Collegiate Education,
O/o. The Joint Director of Collegiate Education,
Palam Station Road,
Madurai - 625 002.

4.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

5.The Principal,
RVS.Kumaran Arts and Science College,
Dindigul, Dindigul - 624 801.

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, Call for the records pertaining to the impugned communication in O.Mu.No.14416/Aa2/2019, dated 07.11.2019, on the file of the respondent No.3 and quash the same as illegal and consequently to direct the respondent No.3 to endorse the Teaching Experience Certificate enabling the petitioner to get marks for teaching experience in the recruitment to the Post of Assistant Professor (History) conducted by the Respondent No.4 vide notification No.12/2019 dated 28.8.2019 and 04.10.2019.



For Petitioner : Mr.S.Louis

For Respondents : Mrs.J.Padmavathi Devi for R1 to R3
Special Government Pleader

Mr.V.R.Shanmuga Nathan for R4
Standing Counsel

No Appearance for R5

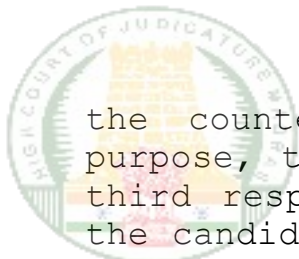
O R D E R

Heard Mr.S.Louis, learned counsel for the petitioner, Mrs.J.Padmavathy Devi, learned Special Government Pleader, appearing for the respondents 1 to 3 and Mr.V.R.Shanmuganathan, learned Standing Counsel for the fourth respondent.

2.Pursuant to the notification, dated 04.10.2019, the petitioner had applied to the Teacher's Recruitment Board, for the post of Assistant Professor in the Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges and College of Education, for the year 2018-2019, through online mode. As per the guidelines in the notification, the teaching experience Certificates of the candidates, who are working in the Government/ Government Aided/ Self financing Arts and Science Colleges, in Form - I, should be counter signed by the respective Regional Joint Director of Collegiate Education.

3.The petitioner herein has applied for the Direct Recruitment in the priority of a MBC candidate. The requisite qualification for a MBC candidate is 50% in Post Graduate. Since the petitioner possessed the required teaching experience, as stipulated under the notification, he had sought for the counter signature of the third respondent herein, in his teaching experience certificate submitted in the required form. However, the third respondent had returned the petitioner's certificate without counter signature, through the impugned communication, dated 07.11.2019, stating that the petitioner did not possess 55% marks in the Post Graduate as required under the recruitment notification. Challenging the same, the present writ petition has been filed.

4.The direct recruitment for the post of Assistant Professors is conducted by the Teachers Recruitment Board, who are the sole recruiting agency. The third respondent herein has absolutely no role in the recruitment process. Whether or not the petitioner possessed the required qualification for the recruitment is an issue which requires to be decided by the Teachers Recruitment Board and all that was required from the candidates, was that necessary teaching experience certificate should be submitted with



the counter signature of third respondent, for which limited purpose, the petitioner had approached the third respondent. The third respondent has no say in determining the qualification of the candidates and that when ever the required teaching experience certificate is forwarded to him through the Head of Institution, there is a duty cast on him, to the limited extent of verifying as to whether the teaching experience mentioned in the certificate is correct or not and in the instant case, the third respondent had over-stepped his powers and had got into the shoes of the Teachers Recruitment Board in determining the eligibility criteria of the petitioner. It is pertinent to mention here that the petitioner claims priority under MBC category, for which the required qualification is 50% alone, which aspect has been ignored by the third respondent. Even otherwise, it is not the duty or requirement of the third respondent to venture into the eligibility conditions of the candidates. As such, the refusal to counter sign the teaching experience certificate and returning the same is unacceptable and illegal.

5.For the foregoing reasons, the impugned communication of the third respondent in O.Mu.No.14416/Aa2/2019, dated 07.11.2019, is quashed. Consequently, there shall be a direction to the third respondent herein to endorse the teaching experience certificate of the petitioner, which is impugned in the present writ petition, within a period of three working days from the date of receipt of a copy of this order and returning the same to the fifth respondent.

6.The writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

- 1.The State of Tamil Nadu,
represented by its Principal Secretary,
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- 4.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

+1 CC to M/s.SPL GP (SR-6965[F] dated 24/02/2021)

+1 CC to M/s.S.LOUIS, Advocate (SR-7074[F] dated 24/02/2021)

W.P. (MD) No.24591 of 2019

23.02.2021

kmk (CO)

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