



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.935 of 2022

S.Suganthi

..Petitioner

Vs.

1. The Secretary to Government,
Higher Education Department,
Secretariat, Chennai-9.

2. The Public Information Officer,
Teachers Recruitment Board,
DPI Complex,
College Road,
Chennai-6.

3. The Public Information Officer,
The Appellate Authority,
Teachers Recruitment Board,
EVK Sampath Maligai,
College Road, Nungambakkam,
Chennai.

4. The Public Information Officer,
The Right to Information Commission,
No.2, Thyagaraya Road,
Teynampet, Chennai-80.

5. The Public Information Officer,
Appellate Authority,
The Right to Information Commission,
No.2, Thyagaraya Road,
Teynampet, Chennai-80.

...Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to furnish the informations claimed by the petitioner on 16.08.2012 and 27.08.2021 within a reasonable time.

For Petitioners : Mr.D.S.Ramesh
For Respondents : Mr.D.Ravichandran R1
Special Government Pleader
Mr.C.Kathiravan RR2 & 3
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to furnish the informations claimed by the petitioner on 16.08.2012 and 27.08.2021 within a reasonable time.

2. The case of the petitioners is that she had passed B.Sc., Home Science during April 1993 and she completed her Post Graduate Degree during the year 1995 through the University of Madras. Subsequently, the petitioner had also acquired Master of Philosophy during the year 1996 in the same University. Thereafter, she worked in various colleges as a lecturer. In the year 2008, the first respondent had issued G.O.Ms.No.8 Higher Education (F2) Department, dated 14.01.2008 permitted the Tamil Nadu Education Recruitment Board to recruit the lecturers in Tamil Nadu College Education Service for appointment in Government Arts and Science Colleges for various subjects including 4 vacancies in Home Science. The petitioner applied for the said post. The petitioner was called for certificate verification on 25.02.2009 by the second respondent and she attended interview on 08.06.2009. Thereafter, second respondent announced the results through website, dated 15.07.2009. The petitioner found that in the website, she was not selected on the ground that she was not having relevant subject. Therefore, the petitioner made a representation before the University for issuance of equivalent certificate and the said certificate issued by the University was enclosed to the third respondent and the petitioner requested for the appointment for the post of lecturer. The same was not considered by the respondent and hence, she has filed a writ petition before this Court in W.P.no.16421/2009 and this Court vide order dated 23.07.2009, directed the 3rd respondent herein to consider the petitioners representation. Pursuant to the above order, the second respondent vide his proceedings dated 18.01.2011 stating that



out of 4 vacancies for the post of lecturer in Home Science, the Teacher Recruitment Board has notified only one vacancy for Most Backward Class Category. The candidate selected in the said category has secured 34 marks out of 39, whereas the petitioner secured only 28 marks. Hence, the petitioner sent a letter to RTI application to the PRO, Teachers Recruitment Board on 16.08.2012 seeking information. The same was not furnished to the petitioner. Hence, she filed an appeal before the State Information Commissioner on 30.09.2012, for which, the State Information Commissioner directed the information officer to supply the information to the petitioner. Even thereafter, she was not provided any information. Hence, she filed a contempt petition against the PRO for non implementation of the order passed by the State Information Commissioner and the same is pending till now. On 09.03.2021, the petitioner sent an another application to the Tamil Nadu State Information Commissioner for the information already claimed by her and the same is also pending. For the inaction of the respondents, the petitioner filed the present writ petition before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that the petitioner is fighting for her grievance from the year 2012. Till date, the information sought for by her was not furnished to her. Hence, this Court may issue a direction to the 5th respondent to consider the petitioners letter dated 16.08.2012 and 27.08.2021 and to furnish the information to her in accordance with law within the time stipulated by this Court.

4. The learned Special Government Pleader appearing on behalf of the Government submitted that the information sought for by the petitioner with regard to the selection of the candidate by Teachers' Recruitment Board, has already been served to the petitioner. However, other records were destroyed after following due procedure. Whatever information available with the respondents, the same will be communicated to the petitioner. Further learned counsel submitted that the appeal and the contempt petition has been filed by the petitioner before the 5th respondent, is pending. Without prosecuting the afore said petitions, the petitioner filed the present writ petition before this Court is not sustainable one. Hence, this petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.



6. Considering the facts and circumstances of the case and the limited request sought for by the petitioner, this Court grants liberty to the petitioner to work out her remedy before the State Information Commissioner where the appeal and contempt petition is pending in the manner known to law. The State Information Commissioner shall pass orders on the petitioners appeal and contempt petition, which is pending before them, on merits and in accordance with law, after affording opportunity to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Higher Education Department,
Secretariat, Chennai-9.

2. The Public Information Officer,
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DPI Complex, College Road,
Chennai-6.

3. The Public Information Officer,
The Appellate Authority,
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The Right to Information Commission,

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5. The Public Information Officer,
Appellate Authority,
The Right to Information Commission,
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Teynampet, Chennai-80.

+1 CC to Mr.D.S. Ramesh, advocate sr 6712

+1 CC to Mr.C.Kathiravan, Advocate sr 6762

W.P.No.935 of 2022

RR(CO)
SP(05/04/2022)