



WEB COPY



W.P.No.996 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.996 of 2019

and

W.M.P.No.1112 of 2019

A.Venkatesan

...Petitioner

-Vs-

1.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

2.The Director of School Education,
Directorate of School Education,
Nungambakkam, Chennai – 600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent with regard to tentative provisional list dated 13.08.2018 issued by the 1st respondent and quash the same and further direct the 1st respondent to include the petitioner in the tentative provisional selection list without insisting Tamil Medium certificate for free hand outline and model drawing.



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For Petitioner : Ms.Reshmi Christy
For R1 : Mr.Azhagu Gowtham
Government Advocate
For R2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

The Teachers Recruitment Board had issued a notification calling for applications for the post of Special Teachers (Drawing) through a notification No.05/2017 dated 26.07.2017. The petitioner herein, who belongs to Most Backward Class Community, had applied for the said post claiming priority under Person Studied in Tamil Medium (PSTM) category. After having qualified by securing 57 marks in the written examination conducted on 23.09.2017, he was called for certificate verification on 13.08.2018. Thereafter, the Teachers Recruitment Board had released the provisional selection list of candidates, wherein the petitioner's name was not found. According to the petitioner, the respondents claim that the petitioner had not produced the PSTM certificate at the time of certificate verification.

2. The learned counsel for the petitioner submitted that when the



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certificate verification was conducted on 13.08.2018, the petitioner had produced all the necessary documents and certificates, including the PSTM certificate.

3. On the other hand, the learned Special Government Pleader submitted that since the petitioner had not produced the PSTM certificate at the time of certificate verification, his candidature was not considered.

4. The submissions of the learned counsel for the petitioner as well as the learned Special Government Pleader are found in the affidavit and the counter affidavit filed by them respectively.

5. I do not intend to go into the disputed fact, whether the petitioner has produced the PSTM certificate at the time of certificate verification or not, since the proof of the certificates dated 11.08.2017, which are produced before this Court, evidences that the petitioner had studied his Xth and XIIth Standard in Tamil Medium. These two certificates are issued by the Headmaster of the Government Higher Secondary School, Mahendravadi, Vellore District, who is



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the competent authority to issued the PSTM certificate.

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6. Since the certificates were issued prior to 13.08.2018 when the petitioner was called for certificate verification, this Court draws an inference that the petitioner could have produced the certificates at the relevant point of time. Even otherwise, since the petitioner was in possession of the PSTM certificate as on the date of the certificate verification, the rejection of his candidature on the only ground that he had not produced the PSTM certificate during the certificate verification requires to be interfered with.

7. It is not in dispute that if the priority under PSTM category is applied to the petitioner, who had secured 57 marks in the written examination, he would be qualified for selection to the post of Special Teacher (Drawing) under the notification No.05/2017 dated 26.07.2017.

8. Incidentally, through an interim order dated 22.01.2019, this Court had directed the Teachers Recruitment Board to keep one post vacant for the post of Special Teacher (Drawing) till the dispose of the writ petition. The



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respondents have also reserved one post in compliance of the interim order.

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9. In the light of the above findings, there shall be a direction to the first respondent herein to pass appropriate orders, by including the petitioner's name in the selection list issued pursuant to the notification No.05/2017 dated 26.07.2017 for the post of Special Teacher (Drawing), within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent shall forward the selection list to the second respondent, who shall issue appointment orders, appointing the petitioner to the post of Special Teacher (Drawing). Such orders shall be passed by the second respondent, within a period of four weeks from the date of receipt of the selection list from the first respondent.

10. The Writ Petition stands thus allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes
Speaking order
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To

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M.S.RAMESH,J.

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