



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.21263 OF 2012

AND

M.P.NO.2 OF 2012

S.Ilango

...Petitioner

-Vs-

The Teachers Recruitment Board,
Rep. by the Chairman, D.P.I. Complex,
College Road, Chennai - 600 006.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent pertaining to the impugned result published in the website of the respondent Board on 28.07.2012 insofar concerned with the petitioner for the direct recruitment for appointment of Special Teachers 2010-2011 and 2011-2012 in State Level Employment Seniority, for which the petitioner was called for certificate verification on 27.04.2012 and quash the result pertaining to the petitioner as illegal and direct the respondent to recruit the petitioner by placing him above serial number 724 of the selection list based on his employment registration date 03.07.1997 and appoint the petitioner as P.E.T. with consequential benefits.

For Petitioner : Ms.A.Arulmozhi

For Respondent : Mr.C.Kathiravan

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had participated in the selection process for the year 2009-2010 for the post of Physical Education Teacher for direct recruitment through employment



3. Though the writ petition was filed in the year 2012 and the matter was listed on various occasions, the respondents have not filed their counter affidavit. However, the learned counsel for the respondent, on written instructions, submitted that the petitioner's candidature was not considered, since he had not produced the original B.Sc. (Physical Education) Degree certificate at the time of certificate verification conducted on 24.04.2012. When the petitioner had sought for reasons for non-inclusion of his name, the respondent had posted in the website that the petitioner has not been selected. However, his juniors' names have been included in the selection list. Apparently, non-production of the original certificate is the reason for non-inclusion of the petitioner's candidature in the selection process.

5. The non-production of the academic testimonials, particularly when a candidate is in possession of the same on the relevant date of certificate verification, has been held to be non fatal and that the candidate could be afforded one opportunity for production of such documents. In the case of B.Jaiwanth Vs. the Chairman, Teachers Recruitment Board and others, this Court had considered the earlier decisions of the Hon'ble Supreme Court and held that every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature. In this decision, this Court had also placed reliance on the decision of the Hon'ble Supreme Court in the case of Dolly Chhanda Vs. Chairman, JEE and others reported in (2005) 9 SCC 779 dated 05.10.2004. Likewise, similar views have also been taken in the case of G.Kanmani Vs. The Director of School Education and another passed in W.P.No.17780 of 2019 dated 22.09.2021, as well as in the case of M.Mageshwari Vs. The Member Secretary, TNPSC passed in W.P.No.4397 of 2020 dated 22.09.2021.

7. In the light of the above pronouncements, this Court is of the view that the petitioner herein also can be afforded



another opportunity to produce all the original documents required for the selection process.

8. Accordingly, the impugned order dated 28.07.2012 is quashed. Consequently, the petitioner herein is granted liberty to approach the respondent Board with a copy of this order, along with all the original testimonials, for the purpose of selection to the post of Physical Education Teacher for the direct recruitment of Special Teacher through Employment Exchange Seniority for the years 2010-2011 and 2011-2012, within a period of one (1) week from the date of receipt of a copy of this order. On receipt of the same, the respondent shall verify the same and if the original documents are found to be in accordance with the qualifications prescribed, shall recommend the petitioner's name for appointment to the post of Physical Education Teacher under the concerned department of the State. The respondent shall endeavour to take such a final decision, atleast within a period of one (1) week from the date on which the copy of this order is produced to them by the petitioner.

9. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

hvk

To

The Chairman,
The Teachers Recruitment Board,
D.P.I. Complex,
College Road, Chennai - 600 006.

+1cc to Ms.A.Arulmozhi, Advocate, S.R.No.10998
+1cc to Mr.C.Kathiravan, Advocate, S.R.No.11164

W.P.No.21263 of 2012
and
M.P.No.2 of 2012

MG(CO)
PM/23/02/2022