

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.23101 of 2015

and

M.P.No.2 of 2015

T.Arun Kumar

S/o.M.Tamilvanan

... Petitioner

Vs.

1.The State of Tamil Nadu

represented by its

Secretary to Government,

School Education TRB Department,

Fort St.George, Chennai - 9.

2.The Member Secretary,

Tamil Nadu Teachers Recruitment Board,

E.V.K.Sampath Maligai, DPI Compound,

Chennai.

... 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 pertaining to the impugned order in R.C.No.12726/B4/2014 dated 07.01.2015 on the file of the second respondent and quash the same as illegal and consequently, direct the respondents to appoint the petitioner in the post of Secondary Grade Teacher on par with the others who have cleared Teacher Eligibility Test in the year 2012 and were appointed by the respondents within the time stipulated by this Court.

For Petitioner :

Mrs.Muthuyazhini

for Mr.K.Thilageswaran

For Respondents :

Mr.S.Silambanan,

Additional Advocate General

assisted by Mrs.S.Anitha

Special Government Pleader [R1]

Mr.C.Kathiravan,

Special Government Pleader [R2]

O R D E R

The order of rejection dated 07.01.2015 rejecting the claim of the petitioner for selection to the post of Secondary Grade Teacher is under challenge in the present writ petition.

2. The petitioner participated in the process of selection for appointment to the post of Secondary Grade Teacher. The petitioner cleared Teachers Eligibility Test in the year 2012.

3. Learned counsel appearing on behalf of the petitioner made a submission that pursuant to the employment seniority, the petitioner was called for certificate verification. The petitioner had not attended the certificate verification conducted for the year 2012. However, the petitioner participated in the certificate verification conducted for the year 2013. The petitioner was not selected in the year 2012. Though he appeared for certificate verification for the year 2013, he lost the opportunity of selection in view of G.O.Ms.No.71 dated 30.05.2014.

4. The fact remains that the petitioner was not selected either in 2012 or 2013. The petitioner has not appeared for certificate verification for the year 2012. Though the petitioner appeared for certificate verification for the year 2013, he was not selected since he has not secured eligible cut off marks. In this regard, the counter filed by the second respondent reads as under:

"7. It is further submitted that one more opportunity was given to the absentees through Notification uploaded on the Teachers Recruitment Board website to attend the Certificate Verification on 06.09.2013 and again the petitioner attended the CERTIFICATE VERIFICATION on 07.09.2013.

8. It is further submitted that the Board considered the petitioner for selection in the 2013 recruitment. The petitioner belongs to MBC (G) category. The last candidate selected in MBC (G) 74.91. The petitioner has secured only 65.69. Since the petitioner has not secured eligible cut off marks he was not considered for selection."

5. In 2014, the Government has issued a new policy in G.O.Ms.No.71 dated 30.05.2014 and as per the said Government

order, the petitioner states that he became ineligible.

6. Learned counsel appearing on behalf of the petitioner made a submission that the petitioner must be exempted from the Government order. Court cannot grant such an exemption with reference to the policy of a Government in the matter of recruitment. The revised criteria for selection of candidates for appointment to the post of Secondary Grade Teacher was issued in G.O.Ms.No.71 dated 30.05.2014. The revised criteria is the policy decision taken by the Government and the petitioner cannot seek any exemption by filling a writ petition or such an exemption cannot be granted by this Court in exercise of power under Article 226 of the Constitution of India. Thus, the petitioner is not entitled for the relief as such sought for in the present writ petition.

Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Secretary to Government,
School Education TRB Department,
Fort St.George, Chennai - 9.
- 2.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K.Sampath Maligai, DPI Compound,
Chennai.

+1cc to Mr.C.Kathiravan, Advocate SR.No.43857
+1cc to Mr.K.Thilageswaran, Advocate SR.No.44302

Writ Petition Nos.23101 of 2015

PL(CO)
GN(28/07/2022)