



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.5968 OF 2022
AND W.M.P.NOS.6047 & 6048 OF 2022

- 1.M.Dheivanai
- 2.M.Sankar
- 3.G.Gnanavel
- 4.G.Sathyamoorthy
- 5.C.Rajagiri
- 6.S.Priyadhrshini
- 7.R.Rajadurai
- 8.S.Kalaiselvan
- 9.S.Easwaran
- 10.C.Thiyagarajan
- 11.T.Pravin Kumar
- 12.C.Jayakumar

... Petitioners

Vs.

1. The State of Tamil Nadu,
represented by its Secretary,
School Education Department,
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
4th floor, E.V.K.Sampath Maligai,
College Road, Chennai - 6.
3. The Member Secretary,
Teachers Recruitment Board,
4th floor, E.V.K.Sampath Maligai,
College Road, Chennai - 6.
4. The Commissioner of School Education,
O/o. Commssioner of School Education,
DPI Campus,
College Road,
Chennai.



5. The Director of School Education,
O/o. Director of School Education,
DPI Campus,
College Road,
Chennai.

... Respondents

PRAYER:

This Writ Petition has been filed under Article 226 of the Constitution of India, to issue writ of Mandamus, to direct the respondents to conduct counseling for the appointment of the petitioners as PG assistants in pursuant to the selection of the petitioners in the revised provisional selection list published in the official website of the Teachers Recruitment Board on 15.11.2021 and consequently permit the petitioners to choose a place of their choice on the basis of their ranking position and accordingly appoint the petitioners as P.G.Assistant within the period that may be stipulated by this Court.

For Petitioners : Mr.H.Mohammed Imran
For R1, R4 & R5 : Mr.V.Manoharan,
Additional Government Pleader

For R2 & R3 : Mr.C.Kathiravan
Standing Counsel

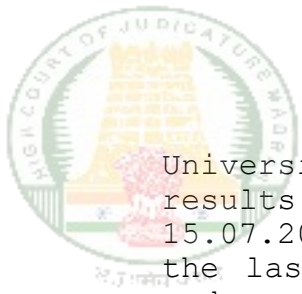
O R D E R

This writ petition has been filed to direct the respondents to conduct counseling for the appointment of the petitioners as PG assistants in pursuant to the selection of the petitioners in the revised provisional selection list published in the official website of the Teachers Recruitment Board on 15.11.2021 and consequently permit the petitioners to choose a place of their choice on the basis of their ranking position and accordingly appoint the petitioners as P.G.Assistant within the period that may be stipulated by this Court.

2.Brief facts of the case:

(i).The petitioners belongs to Most Backward Class. The second respondent had issued a Notification No.10/2019 to the post of PG Assistant in various discipline in Tamil Nadu Higher Secondary Educational Service for the year 2018-2019.

(ii).Petitioner Nos.1 to 11 have studied M.Sc. Mathematics and petitioner no. 12 has studied M.Sc Geography in Tamil



University, Thanjavur and their final semester examination results were published on 14.07.2019. Immediately, on 15.07.2019, they all have applied for the said post and it was the last day for submission of application through online mode and some had applied on 14.07.2019 itself but after the result was published. Further, their applications were received by the third respondent and they have also qualified in the computer based examination. Thereafter, the third respondent vide its memorandum Rc.No.4235/R5/2018, dated 26.10.2019, issued a call letter for certificate verification and directed the qualified candidates to upload the scanned original documents for certificate verification from 29.10.2019 - 01.11.2019. The petitioners have also received their M.Sc. Provisional certificate from Tamil University, Thanjavur on or before 30.10.2019 and thereafter, the petitioners have uploaded entire qualification certificates. Thereafter, on 20.11.2019, the third respondent has uploaded the provisional selection list and also ineligible list in its website, but the petitioners found their names in the ineligible list for the reason that "PG passed after cutoff date". Under such circumstances, the petitioners have filed writ petitions before this Court and the same was allowed and as per the order of this Court they gave a representation to the third respondent on 27.01.2020 but the same has not been taken by the third respondent.

(iii).Whiles, on 05.02.2020, the fifth respondent had issued instructions for counseling for the year 2020 and it was scheduled to be held on 09.02.2020 for the candidates who placed in the provisional list. Even though the petitioners participated in the counseling but they were not allowed in terms of marks secured by them nor they have given a chance to choose a place.

(iv).In a similar case in W.P.Nos.3157 & 3158 of 2020, this Court has dispose of the petition and has given a direction to the third and fourth respondent therein to proceed further with the selection of the petitioner therein and issue appointment orders. As against the same an appeal was filed W.A.No.2400 of 2021 and the same was also dismissed. In respect of similarly placed persons, the SLP was also moved before the Hon'ble Apex Court and the same was also dismissed. In pursuance thereof, the second respondent vide his proceedings dated 21.10.2021 issued the revised provisional selection list in which names of petitioners names were included, even though, they were not permitted to chose a place of their choice on the basis of their marks. In this regard, petitioners have sent a representation to the respondents to conduct the counseling. As a matter of fact, after completion of entire selection process, TRB published more than three revised selection lists and the counseling was also conducted in respect of all the newly revised candidates,



whereas, in petitioners' case, though the revised list was published, no counseling was conducted, leading to fill up all the posts through other candidates. Hence, the writ petition.

3.The learned Standing Counsel appearing for the TRB would submit before this Court that the Teacher Recruitment Board has forwarded the said revised provisional selection list to the concerned User Department. Thus, the writ petition is liable to be dismissed.

4.In view of the above facts and circumstances of the case and the submission made by the learned Standing Counsel, the prayer sought by the petitioners in this writ petition cannot be entertained and the same is liable to be dismissed, however, this Court inclined to give a liberty to the petitioners to seek appropriate, remedy before the concerned authority, if they aggrieved.

5.With the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Secretary, State of Tamil Nadu,
School Education Department,
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
4th floor, E.V.K.Sampath Maligai,
College Road, Chennai - 6.
3. The Member Secretary,
Teachers Recruitment Board,
4th floor, E.V.K.Sampath Maligai,
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4. The Commissioner of School Education,
O/o. Commssioner of School Education,
DPI Campus, College Road, Chennai.

5. The Director of School Education,
O/o. Director of School Education,
DPI Campus, College Road, Chennai.

+lcc to the Government Pleader, S.R.No.19166

W.P.No.5968 of 2022
and W.M.P.Nos.6047 & 6048 of 2022

GPL (CO)
PM/18/04/2022