



W.P.No.8748 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8748 of 2015

and

M.P.No.1 of 2015

S.Jayalakshmi

... Petitioner

Vs

1. Teachers Recruitment Board,
College Road, Chennai – 600 006,
Rep. by Member Secretary.

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

3. The Chief Educational Officer,
Vellore District,
Vellore.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to recall the petitioner for certificate verification and counseling pursuant to her passing the Written Examination conducted on 10.01.2015 by the first respondent



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[Roll No.14 PG 01260366] for Post Graduate Assistant [Tamil] for the years 2013-14 and 2014-15 and appoint her as such.

For Petitioner : Mr.M.Ravi

For Respondents

R1 : Mr.C.Kathiravan
Special Government Pleader
R2 & R3 : M/s.S.Anitha
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to recall the petitioner for certificate verification and counseling pursuant to her passing the written examination conducted on 10.01.2015 by the first respondent for appointment to the post of Post Graduate Assistant [Tamil] for the year 2013-2014.

2.The writ petitioner participated in the process of selection for recruitment to the post of Post Graduate Assistant [Tamil] for the year 2013-14. The petitioner was successful in the written examination and scored 98 marks. The petitioner states that she was waiting for certificate



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verification call letter from the Teachers' Recruitment Board, meanwhile she was suffering "Dysfunctional Uterine Bleeding" and undergoing medical treatment from 04.02.2015 to 14.03.2015. After recovery from her illness, she made enquiries about the date of certificate verification and the petitioner came to know that the certificate verification was over on 16.02.2015. Under those circumstances, the writ petitioner approached this Court mainly on the ground that she was suffering from ailments and was taking treatment and she was not aware of the certificate verification date and thus, she must be recalled for certificate verification and counseling for the purpose of selection to the post of Post Graduate [Tamil].

3.The learned counsel appearing for the petitioner mainly contended that the petitioner had not received any intimation for such certificate verification and therefore, she is entitled for the relief.

4.This Court passed an interim order on 27.03.2015, which reads as follows:

".....It is made clear that in case of any vacancy and TRB is taking action to fill up the said vacancy, the name of the petitioner should be considered and she



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should be sent call letter for certificate verification."

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5. Against the said interim order, the petitioner filed contempt petition in Cont.P.No.1817 of 2015. The said contempt petition was pending for about seven years and it was closed on 25.04.2022 stating that the interim order has been complied with and the petitioner was subjected to certificate verification on 30.07.2019.

6. As far as the writ petitioner is concerned, the fact remains that the petitioner participated in the process of selection and succeeded in the written examination. However, she had not participated in the certificate verification and counseling.

7. In this regard, the learned Special Government Pleader appearing on behalf of the respondent contended that the petitioner admittedly had not attended certificate verification on 16.02.2015. Therefore, the Board did not consider the petitioner for further process of selection. It is clearly stated in the prospectus issued to the candidates that no individual intimation would be sent and the intimation for calling of certificate verification would



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be published in the website. Accordingly, the Board issued notification on 06.02.2015 for conduct of certificate verification from 16.02.2015. It is the responsibility of the petitioner to attend the certificate verification at the stipulated date. No further chance would be provided for certificate verification. The Board published the provisional selection for the post of Post Graduate Assistant [Tamil] on 14.05.2015. All the vacancies notified pursuant to the Advertisement No.8/2014 dated 07.11.2014 had been filled up and no vacancies were available during the relevant point of time. The provisional selection list was forwarded to the Department concerned for issuance of appointment order.

8.The learned Special Government Pleader further furnished the copy of the proceedings of the Member Secretary, Teachers' Recruitment Board dated 29.05.2017 issued pursuant to the interim order passed in the writ petition and by referring the Contempt Petition No.1817 of 2015. In the said order itself, the entire facts and circumstances were narrated and it was communicated to the writ petitioner.



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9. This Court is of the considered opinion that the respondent Board had followed the procedures as contemplated, more so with reference to the recruitment notification issued for selection to the post of Post Graduate Assistant [Tamil]. The prospectus contains that the individual communication would not be sent for calling of certificate verification and it will be published in the website. Thus, it is for the candidates to verify the website and accordingly participate for the certificate verification and counseling. Admittedly the petitioner had not participated in the process of counseling. In the affidavit filed in support of the writ petition, she says that she was not well and suffering from some illness and therefore, she could not be able to see the website and participate in the process of selection. Such circumstances would not be a ground to issue a direction to the respondent to conduct a separate certificate verification or select the petitioner for appointment to the post of Post Graduate Assistant [Tamil]. Once it is the fault of the candidates to verify the website and participate in the process of selection, the Recruitment Board cannot be held responsible and further the recruitment was conducted in the year 2014-15 and almost seven years lapsed and subsequent recruitments were also completed.



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10.This being the factum, the writ petitioner is not entitled for the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet:Yes

Index : Yes/No

cse

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S.M.SUBRAMANIAM, J.

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