



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A. No. 2958 of 2021
&
C.M.P. No. 20080 of 2021

The Teachers Recruitment Board,
rep. by its Member Secretary,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.

..Appellant

Vs.

1. T. Shanthi
2. The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.

..Respondents

Prayer: Writ Appeal as against the order dated 20.07.2021 passed in W.P.No.22227 of 2017.

Prayer in W.P.No.22227 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned letter of non-selection of petitioner for the post of Post Graduate Assistant (Commerce) dt 12.8.2017 issued by the 2nd respondent and quash the same, consequently, direct the respondents to appoint the petitioner as Post Graduate Assistant (Commerce) forthwith.

For Appellant :: Mr.K.V. Sajeew Kumar
Special Government Pleader

For Respondents:: Mr.M.R. Jothimanian for R1
Mrs. Mythreyee Chandru
Special Government Pleader
(Edn.) for R2



J U D G M E N T

S. Vaidyanathan, J. & Mohammed Shaffiq, J.

Assailing the order of the learned Single Judge passed in W.P. No. 22227 of 2017 dated 20.07.2021, the present writ appeal has been preferred by the Teacher's Recruitment Board.

2.The 1st respondent herein filed the writ petition challenging her non-selection to the post of Post Graduate Assistant (Commerce) and for a consequential direction to the Teacher's Recruitment Board to appoint her as Post Graduate Assistant (Commerce) and the learned Single Judge, by the impugned order, allowed the writ petition observing as hereunder:

"5. The case of T. Vellisubbaian V. Director of Department of School Education and another, (cited supra) was confirmed on appeal by the Hon'ble Division Bench in W.A. (MD) No. 909 of 2015 and the further appeal before the Hon'ble Supreme Court in SLP (C) No. 26862 of 2016 was dismissed on 21.01.2019. Thus, it has been established that, non-shading of the serial code in the OMR sheet is a curable defect and hence, the petitioner's candidature cannot be rejected on this minor ground.

6.In the result, there shall be a direction to the second respondent herein to include the name of the petitioner in the selection list for the post of Post Graduate Assistant (Commerce), published pursuant to the recruitment notification in Advertisement No. 3 of 2017 for the year 2016-2017 and forward such selection list to the first respondent for the purpose of issuance of the necessary appointment order. The second respondent herein shall endeavour to include the petitioner's name in the selection list, at least within a period of two weeks from the date of receipt of a copy of this order. The writ petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed."

3.When the writ appeal is taken up, it is fairly submitted by the learned Special Government Pleader for the appellant that the orders passed by this Court in a similar issue in W.P.(MD) No. 2406 of 2015 to which one of us (SVNJ) was a party has been confirmed by the Division Bench of this Court in W.A.(MD)No. 909 of 2015 and the SLP filed against the said judgment was also dismissed and the said fact is also evident from the order of the learned Single Judge. Since the issue is already covered, we are not inclined to interfere with the order under challenge and the writ appeal stands dismissed. No costs. Connected



C.M.P. is closed.

4.It is made clear that the case of the 1st respondent/writ petitioner shall be considered in the next available vacancy, if not available as on date, without making the writ petitioner to undergo the tests and such exercise, all over again, for the purpose of getting appointment.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nv

To

The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.13024

W.A. No. 2958 of 2021

GPL(CO)
RGA(04/04/2022)