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W.P. Nos.27740, 27742, 27863, 27864 & 27861 of 2022
& W.M.P.Nos.27034, 27035, 27157, 27158 & 27155 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. Nos.27740, 27742, 27863, 27864 & 27861 of 2022
& W.M.P.Nos.27034, 27035, 27157, 27158 & 27155 of 2022

W.P. No.27740 of 2022

K.Devi

... Petitioner

vs.

1. The Commissioner of School Education,
DPI Campus,
Chennai - 600 006.

2. Teachers Recruitment Board,
Represented by its Member Secretary,
DPI Campus,
Chennai - 600 006.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to include the name of the petitioner in the list of candidates published on 13.10.2022 called for counselling for the post of PG Assistant History as per the select list published on 10.09.2022 for the post of PG Assistant History in the reservation for Secondary Grade Teacher category and accordingly select and appoint the petitioner to the post of PG Assistant (history) on the date when all her batchmates under the Notification of the respondent Board No.1/2021 dated 09.09.2021 are selected and appointed with all service and monetary benefits.



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12.09.2022 respectively as they were found to be eligible.

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3. According to them despite the same, they have not been called for counselling as was done for other selected candidates under the provisional selection list stated supra. In such circumstances, they have filed these writ petitions.

4. The learned Additional Advocate General appearing for the respondents on instructions would submit that only due to the fact that this Court by its order dated 11.10.2022 passed in a batch of writ petitions filed by the writ petitioners, who were aggrieved by the final key answers declared by the respondent / Teachers Recruitment Board challenged the same and in those writ petitions, a direction was issued by this Court to the respondent / Teachers Recruitment Board to reserve one post each for those writ petitioners in the respective subject category till the disposal of those writ petitions, the respondent / Teachers Recruitment Board did not call these petitioners for counselling and did not issue any appointment orders as appointment orders if issued for all the candidates under the provisional selection list, it will be contrary to the order dated 11.10.2022 passed by this Court in the batch of writ petitions referred to



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supra.

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5. The Relevant paragraphs of the written instructions received by the learned Additional Advocate General from the Teachers Recruitment Board, dated 17.10.2022 are extracted hereunder :-

It is stated that the Board issued the appointment order for the provisionally selected candidates after reserving 56 posts for various subjects as per the above mentioned orders.

It is stated that the Board issued appointment order for the provisionally selected candidates for the subject Botany, Computer Science, Geography, History, Home Science, Physical Education, Political Science & Zoology on 13.10.2022. Further for the subjects Tamil, English, Mathematics, Physics, Commerce and Economics the Board issued the appointment order for the provisionally selected candidates on 14.10.2022.

It is stated that the recruitment for the PG assistants has attained finality by way of issuing the appointment orders. It is further stated that the vacancies for the above said recruitment is filled. Hence, the board cannot reserve any further vacancy in respect to any interim orders to keep one post vacant in future, since the vacancies are determined by the User Department. As per the request of the User Department, the board has filled the notified vacancies.

6. Admittedly, under the Notification, No.01/2021, dated



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09.09.2021, the User Department i.e., the Government has got the power to include new posts. Therefore, there is no prohibition for the respondents to call these petitioners for counselling and thereafter, if they have satisfied the requirements, issue appointment orders in their favour. The reason given by the respondents as seen from the instructions received by the learned Additional Advocate General as extracted supra is unjustified, in view of the fact that these petitioners have already been declared / selected provisionally as they have been found to be eligible. In case, the petitioners in the connected writ petitions are entitled to the relief sought for in those writ petitions, necessarily the respondent / Government will have to increase the number of vacancies and therefore, the interim direction given by this Court on 11.10.2022 directing the respondents to reserve one post for each of those petitioners cannot be a bar for the respondents to call these petitioners for counselling and thereafter issue appointment orders in their favour if they have satisfied all the requirements during the counselling.

7. After giving due consideration to the aforementioned factors, this Court directs the respondent / Teachers Recruitment Board to call these petitioners for counselling, within a period of four weeks from the date of



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receipt of a copy of this order and thereafter issue appointment orders in their respective favours, provided they have satisfied the requirements of the respondent / Teachers Recruitment Board at the time of counselling.

8. With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.10.2022

(¹/₂)

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :

1. The Commissioner of School Education,
DPI Campus,
Chennai - 600 006.

2. The Member Secretary,
Teachers Recruitment Board,
DPI Campus,
Chennai - 600 006.

3. The Chairman,
Teachers Recruitment Board,
3rd Floor,
Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus,
Chennai - 600 006.



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ABDUL QUDDHOSE, J.

vsi2

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18.10.2022

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