



WEB COPY



W.P.No.28905 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.28905 of 2022
and WMP Nos.28200 and 28201 of 2022

K.Uma Maheswari

... Petitioner

Versus

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

2. The Chairman,
Teacher Recruitment Bard,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006

..., Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned Provisional Selection List published by the 2nd respondent dated 13.10.2022 for the post of P.G.Assistant (Commerce) and to quash the same insofar as not selecting the petitioner under MBC reserved category with allotment of post in School Education Department is concerned and consequently, directing the respondents to select the petitioner to the post of P.G.Assistant (Commerce) under MBC category and allot the petitioner to



W.P.No.28905 of 2022

School Education Department based on merit in selection within the time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.R.Neelakandan
AAG-8
Assisted by
Mr.C.Kathiravan
Spl.G.P
For R.1
Mr.S.Yashwanth
AGP
R.2

ORDER

This writ petition has been filed challenging the impugned selection list dated 13.10.2022 issued by the second respondent for the post of P.G.Assistant(Commerce).

2. The petitioner had earlier applied for the said post and claims that she had applied under MBC category. However, according to the petitioner, under the impugned selection list dated 13.10.2022, she has been declared selected under OC category. She has been allotted under the impugned selection list and placed for posting to Tribal Welfare Department. The reasons for considering the petitioner's case under OC category is that she did not submit



W.P.No.28905 of 2022

the community certificate disclosing her father's name, but, whereas, she has submitted the community certificate along with her on-line application disclosing her husband's name. The Notification issued by the respondent/Teachers Recruitment Board makes it clear that the community certificate of any aspirant should disclose the name of the father. According to the petitioner, she was called for certificate verification and on that date, she has produced the community certificate disclosing the name of her father and therefore, she is entitled to be selected to the post of P.G.Assistant (Commerce) under MBC category.

3. According to the petitioner, if she had been considered under MBC category, she would have been placed in the School Education Department based on the marks secured by her. According to her, the selected persons, who were selected under MBC category and who have secured lesser marks, have been placed in the School Education Department under the impugned provisional list. In such circumstances, the petitioner has challenged the impugned provisional list in this writ petition.

4. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.R.Neelakandan, learned Additional Advocate General-8, assisted by



W.P.No.28905 of 2022

Mr.C.Kathiravan, learned Special Government Pleader accepts notice on behalf of the first respondent and Mr.S.Yashwanth, learned Additional Government Pleader accepts notice on behalf of the second respondent.. By consent of both the parties, the main writ petition has been taken up for final disposal.

5. The learned Additional Advocate General has placed before this Court the instructions received by him on 01.11.2022 from the Teachers Recruitment Board. As seen from the instructions, only due to the reason that the petitioner did not submit the community certificate, disclosing the name of her father, the petitioner was considered for selection under OC category. The following instructions have been received from the Teachers Recruitment Board by the learned Additional Advocate General, which is extracted hereunder:-

“ It is stated that the petitioner in her affidavit stated that she has uploaded the community certificate in her husband's name which was obtained on 27.03.2017 which clearly indicates that she has not possessed the Community Certificate in her father's name while applying for the post and thereby she has not mistakenly uploaded the Community Certificate in her husband's name but knowingly uploaded the same.

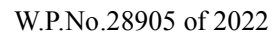


W.P.No.28905 of 2022

It is stated that the petitioner has obtained the community certificate in her father's name on 02.06.2022 only i.e., after the publication of the Notification and completion of the written examination on 16.02.2022. It is further stated that as per the Notification the Board will not entertain any claim after the submission of online application, if the claim of the petitioner is considered, then similarly placed candidates would seek similar relief which may hamper the recruitment which has attained finality.”

6. Learned Additional Advocate General would also submit that the petitioner was issued appointment order posting her as P.G.Assistant (Commerce) in Tribal Welfare Department, but, she has refused to accept the same. However, the petitioner has instead filed this writ petition.

7. Learned counsel for the petitioner would submit that on the date of certificate verification, the petitioner had produced the community certificate disclosing the name of her father. The said community certificate has also been filed as a document along with this writ petition. However, according to the petitioner, despite producing the said certificate on 04.09.2022, the second



9. For the foregoing reasons, the writ petition is disposed of by directing the second respondent/Teachers Recruitment Board to pass final orders on the petitioner's representation dated 26.09.2022, seeking for appointment to the post of P.G.Assistant (Commerce) in the School Education Department instead of Tribal Welfare Department as per the impugned selection list dated 13.10.2022 under MBC category within a period of two weeks from



W.P.No.28905 of 2022

the date of receipt of a copy of this order. Till final orders are passed, posting of the petitioner in the Tribal Welfare Department as per the impugned selection list dated 13.10.2022 shall be kept in abeyance. No costs. Consequently, connected miscellaneous petitions are closed.

02.11.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
2. The Chiarman,
Teacher Recruitment Bard,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006



WEB COPY



W.P.No.28905 of 2022

ABDUL QUDDHOSE,J.

W.P.No.28905 of 2022

02.11.2022