



WEB COPY



W.P.No.28908 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28908 of 2022
and W.M.P.No.28203 of 2022

S. Prabakaran

.. Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Department of School Education,
Secretariat, Fort St. George,
Chennai – 600 009.

2.Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600 006.

..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the second respondent to call the petitioner for counseling to the post of PG Assistant in Economics under the MBC quota and issue appointment order to the petitioner as PG Assistant in Economics under the quota reserved for MBC community as per certification verification dated 03.09.2022 and the Provisional Selection List of the respondent dated 14.09.2022 pursuant to



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Notification No.1/2021 dated 03.08.2022.

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For Petitioner : M/s.Selvirejesh

For Respondents : Mr.C.Sathish,
Government Advocate [R1]

Mr.R.Neelakandan,
Additional Advocate General
assisted by Mr.C.Kathirawan,
Government Advocate [TRB] [R2]

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to call the petitioner for counseling to the post of PG Assistant in Economics under the MBC quota.

2. According to the petitioner, pursuant to the Amended Notification No.1/2021, dated 03.08.2022, he applied for the subject post and he was provisionally selected as per the selection list issued by the respondent/Teachers Recruitment Board dated 14.09.2022, as he was found to be eligible.

3. According to him, despite the same, he has not been called for counseling as was done for other selected candidates under the provisional



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selection list stated supra. In such circumstances, he has filed this writ petition.

4. The learned Additional Advocate General appearing for the second respondent, 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 this petitioner for counseling and did not issue any appointment order as appointment order if issued for the candidate as per 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 supra.

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 :-



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“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 Amended Notification No.01/2021, dated 03.08.2022, the User Department i.e., the Government has got the power to include new posts. Therefore, there is no prohibition for the respondents to



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call the petitioner for counseling and thereafter, if he satisfies the requirements, issue appointment order in his 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 the petitioner has already been declared/selected provisionally as he has 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 the petitioner for counseling and thereafter, issue appointment orders in his favour if he satisfies all the requirements during the counseling.

7. After giving due consideration to the aforementioned factors, this Court directs the second respondent to call the petitioner for counseling, within a period of four (4) weeks from the date of receipt of a copy of this order and thereafter, issue appointment order in his favour, provided he satisfies the requirements of the second respondent at the time of counseling.



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ABDUL QUDDHOSE,J.

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8. With the aforesaid directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

09.11.2022

Speaking/Non-speaking order
Index: Yes/No
Internet: Yes/No

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To

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