



W.P.No.3877 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3877 of 2017

and

W.M.P.No.3939 of 2017

Dr.M.Chandrasekaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.

4.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings issued by the 4th respondent in Rc.No.4856/L1/2016 dated 22.04.2016 and to quash the same and consequently directing the Respondents to appoint the petitioner to the post of Lecturer in Commerce based on the selection conducted by Teachers Recruitment Board, in the light of disposal of writ petition in W.P.No.23574 and 24015 of 2008 dated 10.06.2014 with all consequential and other attendant benefits including arrears of salary on par with other persons selected based on the same selection.

For Petitioner	: Mr.G.Sankaran
For R1 & R2	: Mr.A.Anandan Government Advocate
For R3 & R4	: Mr.C.Kathiravan Special Government Pleader [TRB]

ORDER

The final order passed by the Teachers Recruitment Board in order dated 22.04.2016, rejecting the claim of the writ petitioner to appoint him as Lecturer in Commerce against the unfilled vacancy pertaining to the recruitment notification is under challenge in the present writ petition.

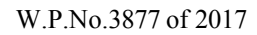


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2. The petitioner participated in the process of selection for appointment to the post of Assistant Professor pursuant to the recruitment notification dated 14.08.2008. The petitioner states that he was successful in the selection process and one among the selected candidates as per the selection list. However, he was not appointed as per the selection list. The petitioner earlier filed W.P.(MD).No.12979 of 2014 to appoint him based on the selection list. Yet another writ petition was filed in W.P.No.34814 of 2015 to consider his representation for appointment to the post of Assistant Professor and the said writ petition was disposed of on 30.10.2015 with a direction to the respondents to pass orders on the representation. Accordingly, the impugned order dated 22.04.2016 was passed.

3. The learned Special Government Pleader appearing on behalf of the respondents 3 and 4 made a submission that the petitioner was not within the zone of consideration though the petitioner scored 36 marks, his date of birth is 25.11.1973 and he is junior in date of birth to the other selected candidates, who also scored 36 marks. Thus, the petitioner was not selected and therefore, the writ petition is liable to be rejected.



4. In this regard, paragraphs 10 of the counter affidavit filed on behalf

“10. The petitioner was one among the candidates applied for the post of Lecturer in Commerce in the Backward Class Communal turn. He was awarded with 9 marks for qualification (Ph.S.), 15 marks for nine years teaching experience, 5 marks for Books & Articles and 7 marks for interview. As such, in total, he secured 36 marks out of 39. However while the selection list was drawn, for 16 candidates as per G.O.Ms.No.248 Higher Education Department dated 21.12.2012, the cut off marks for selection in the General Turn (G) and Backward Class (General) Communal turn is 36 marks with date of birth as 05.05.1969 and 10.07.1972 respectively. Even though the petitioner has secured 36 marks, his date of birth is 25.11.1973 and he is junior in date of birth and hence could not be selected.”

5. Pertinently, the selection was of the year 2008 and subsequently, other selection processes were commenced and concluded. The petitioner



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filed a writ petition in the year 2008 itself, now almost 14 years lapsed from the order of selection, more so, the petitioner was not within the zone of consideration as he was junior in date of birth in comparison with the other selected candidates, who were also secured the same marks. This being the factum, at this length of time and based on the facts and circumstances the petitioner is not entitled for the relief as such sought for in the present writ petition.

6. Accordingly, the Writ Petition stand dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Jeni

Index : Yes

Speaking order

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
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2.The Director of Collegiate Education,



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S.M.SUBRAMANIAM, J.

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