



W.P.(MD) Nos.1469 and 1525 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) Nos.1469 and 1525 of 2020

and

W.M.P.(MD) Nos.1164, 1165, 1229 & 1230 of 2020

Bhalamurugan

... Petitioner in
W.P.No.1469

Thirumurugan

... Petitioner in
W.P.No.1525

-VS-

1.The Principal Secretary to the Government
Department of School Education,
Fort St. George, Chennai 600 009.

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

... Respondents
in both W.Ps.

Common Prayer:- Petitions filed under Article 226 of the Constitution of India praying for issuance of Writs of Certiorarified Mandamus to call for the records pertaining to the impugned selection list dated 02.01.2020



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published by the 2nd respondent and quash the same and consequently direct the 2nd respondent to redraw the selection list.

For Petitioners : Mr.T.Sivakumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

COMMON ORDER

Challenging the impugned selection list dated 02.01.2020 and for a consequential direction to the 2nd respondent to redraw the selection list, the petitioners are before this Court with these writ petitions.

2. The case of the Petitioners is that the respondent issued notification No.10/2019 dated 12.06.2019 for 2144 vacancies to the Post of Post Graduate Assistants/Physical Education Directors Grade – I. Subsequently, the respondent issued another notification dated 25.10.2019 to fill up 8 additional vacancies for the post of Post Graduate Assistants in Mathematics. Pursuant to the same, the Petitioners applied for the same and attended the exam, which was held on 29.09.2019, in which, the Petitioners had secured 177th and 225th ranks and scored 83 and 82 marks respectively



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and they were called for certificate verification. However, their applications have been rejected on the ground that “Not a person studied in Tamil Medium and Studied Post Graduate and B.Ed., Simultaneously”. As per provisional selection list dated 20.11.2019, the respondent declared 255 posts as against 279 vacancies. Subsequently on 02.01.2020, the 2nd respondent issued provisional selection list, in which, they had included three ineligible candidates. The petitioners sent representations dated 06.01.2020 to consider and include their names in the selection list.

3. It is the further contention of the petitioners that the vertical and horizontal reservation have not been followed by the 2nd Respondent, thereby the petitioners lost their chance of selection. Further the 2nd respondent did not follow guidelines issued by the Hon’ble Supreme Court as well as this Court and hence, challenging the selection list, they are before this Court with these writ petitions.



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4. The learned counsel for the petitioners would submit that the petitioner in W.P.(MD) No.1469 / 2020 had applied under the BC category, whereas, the petitioner in W.P.(MD) No.1525/2020 belongs to MBC category and as such applied under MBC category and appeared in the test conducted and secured 83 and 82 marks respectively and they have been in 177th and 225th place respectively. It is contended that first 82 ranks are to be filled in general turn as per merit, irrespective of communal turn in vertical reservation. The 2nd respondent has not followed the horizontal and vertical reservation in letter and spirit and 82 merit candidates are not placed in general turn, 23 candidates were included in the list between Sl.Nos.60 and 82 as communal turn, instead of general turn, thereby the petitioners' chance has been deprived and therefore, interference is warranted to the impugned order.

5. Per contra, the learned Special Government Pleaders, by relying upon the counter affidavit filed by the respondents, refuted the contentions raised by the petitioners. As per the notification dated 12.06.2019, the petitioners applied for the post of Post Graduate Assistant (Maths) and after



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successfully completed the computer based test, the petitioners were called for certificate verification for the shortlisted candidates in 1:2 ratio on 08.11.2019 and 09.11.2019 respectively. Subsequently, the 2nd respondent released the provisional selection list. Aggrieved by the same, writ petitions were filed before this Court and representations received from the candidates, the modified provisional list was published on 03.01.2020. The petitioners have not applied under the PSTM category and the minimum cut off marks for selection for BC General is 85; 83 marks for BC(Women) and for PSTM candidates BCGT/BCWT, the marks to be obtained is 83/84 respectively. For MBC candidate, the cut off mark is 83. Since the petitioners secured only 83 and 82 respectively out of 85 and 83 marks, they have not been considered for provisional list.

6. It is further contended that the petitioners have raised certain objections with regard to S.Nos.235 and 239 and 213, those candidates have not uploaded their PSTM certificates and hence, they have not been considered. Subsequently during the modified list, since these candidates have uploaded their PSTM certificates, their candidatures have been



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considered. Since the petitioners have studied Post Graduate and B.Ed., simultaneously, the board has withheld their candidatures. Accordingly, it is the contention of the learned Special Government Pleader that as per the guidelines issued in the case of ***K.R.Shanthi v. Teachers Recruitment Board*** in ***W.P.No.21170/2012 dated 01.10.2012***, the respondents have followed the procedure and hence, no interference is warranted to the impugned selection list.

7. This Court gave its anxious consideration to the rival submissions made on either side and perused the materials available on record.

8. Pursuant to the notification issued by the respondents, upon participation in the selection, the petitioners have been called for certificate verification in the ratio of 1:2 and since they have secured 83 and 82 marks respectively in the category of BC and MBC category, out of 85 and 83 marks respectively, their candidatures have not been considered. When the petitioners have not secured the eligible marks out of the cut off marks or



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they were not in the zone of consideration, their candidatures have been rightly rejected. Apart from that in the present writ petitions, the candidates, who have stated to be selected violating the selection procedure, have not been impleaded as parties. Therefore, these writ petitions have to be dismissed for non joinder of necessary parties. It is to be seen that the selection process itself is over in the year 2020. Hence, for all these reasons, no interference is warranted to the impugned selection list.

9. In the result, the writ petitions fail and the same are accordingly, dismissed. However, there is no order as to costs. Consequently connected Miscellaneous Petitions are closed.

05.12.2022

Index :Yes/No
Internet : Yes

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M.DHANDAPANI, J.

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