



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.10996 of 2019

and

W.M.P.(MD) No.8479 of 2019

Palanimuthu

... Petitioner

-vs-

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

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

3. The Director of Government Examinations,
College Road, Chennai 600 006.

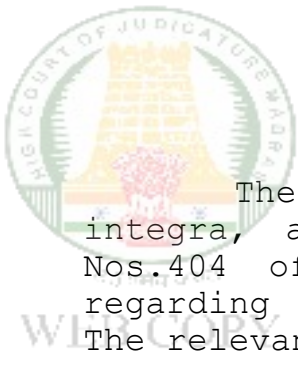
... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to select the Petitioner as Drawing Teacher in the Quota reserved for candidates who studied in Tamil Medium as the Petitioner secured 63 marks which is more than the cut off marks of the selected candidates of MBC/DNC GT male, consequently the 2nd respondent to give appointment order to the petitioner to join in any one of the Government Schools under the control of Directorate of School Education forthwith on the basis of the petitioner's representation dated 16.04.2019 within a time frame to be stipulated by this Court.

For Petitioner : Mr.K.Asok Kumar Ram

For R1 : Mr.V.R.Shanmuganathan

For RR2 & 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader



O R D E R

The issues raised in this writ petition are no more res integra, as the Hon'ble First Bench of this Court in W.A.(MD) Nos.404 of 2020 etc., batch, dated 16.03.2020 passed judgment regarding the PSTM (Persons Studied in Tamil Medium) Certificate. The relevant paragraph is extracted hereunder:-

45. In service jurisprudence where Rules are in place, then the key proposition raised has to be examined on the basis of the Rules. Unless Rules are held to be ultra vires or otherwise illegal, the Court does not enjoy a legal space to pronounce a method which amounts to altering the Rules itself. One has to keep in mind the adage that the job of the Court is to iron out the creases and not weave a new texture. In the absence of any ambiguity, efforts should be to uphold the process if it is valid and in accordance with the Rules. To provide something better which may run counter to the Rules is not within the realm of this Court, unless there is any material to support the same. This would be legal adventurism and any amount of hardship or inconvenience cannot be a ground to direct another process to be followed. The incapacity of the candidates to provide the certificate cannot be translated into a non-requirement. An assertion of a belief of pragmatism is insufficient to substitute an already existing Rule. A perception as to what would be more practical takes the shape of pragmatism, which is a belief bias. Belief bias has been described by Andrew Goodman in his book 'How Judges decide Cases' as "An effect where someone's evaluation of the logical strength of an argument is biased by the believability of the conclusion". The Court cannot believe something and then proceed to justify it. The justification for the belief has to precede the conclusion. The Rule of Law therefore has to be adhered to and the law cannot be legislated by laying down the procedure, which in the opinion of the Court might be a better proposition. This would violate the Rule of Law. To arrive at this conclusion, we have stepwise analyzed the entire dispute and are therefore of the opinion that the writ petitions deserve to be rejected and ought not to have been allowed.

46. Accordingly, we allow all the appeals and set aside the impugned judgments dated 12.03.2019 and 28.03.2019 and dismiss all the writ petitions. No order as to costs. Consequently, C.M.P.Nos.6456, 6457, 6462, 6463, 6465, 6466, 6467, 6471 and 6473 of 2020



are closed."

2. The writ petitions filed on the very same issue were dismissed by the Hon'ble First Bench of this Court. Therefore, the present writ petition deserves no further consideration and accordingly, stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

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

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

3. The Director of Government Examinations,
College Road, Chennai 600 006.

+1 CC to M/s.K. ASHOK KUMAR RAM, Advocate (SR-18090[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18114[F] dated 12/04/2022)

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_RD(28.04.2022) 3P 6C