



W.P(MD)No.17580 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17580 of 2022

and

W.M.P.(MD)Nos.12801 to 12805 of 2022

Alagulakshmi

... Petitioner

Vs.

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Complex, College Road, Chennai.

2.The Principal Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.

3.The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai-600 025.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned provisional list uploaded in his official website by the respondent dated 30.07.2022 and quash the same further directing the respondents to provide 2 marks for weightage for teaching experience plus 1 mark for total mistake $147+2+1=150$. It was included the petitioner's name in the provisional list for recruitment by the respondents.



W.P(MD)No.17580 of 2022

For Petitioner : Mr.G.Palanivel Murugan
for S.Sivaprakash
For R1 : Mr.V.R.Shanmuganathan
For R2 & R3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the first respondent board and the learned Special Government Pleader appearing for the respondents 2 & 3.

2. The writ petitioner applied in response to the notification calling for applications from eligible candidates for the post of Lecturers in Government Polytechnic Colleges. The notification was issued on 27.11.2019. The petitioner uploaded her application on 30.01.2020. She was called for certificate verification on 16.07.2022. However, her name did not find place in the selection list. Aggrieved by her non-selection, the present writ petition has been filed.

3.The primary grievance of the writ petitioner is that the petitioner was not awarded two marks for her teaching experience. She belongs to MBC



W.P(MD)No.17580 of 2022

(women) category. The cut-off mark is 149. The petitioner was awarded 147 marks. If she had been awarded two marks, she would have definitely been selected. This is the submission of the learned counsel appearing for the petitioner.

4. The first respondent has filed a detailed counter affidavit and the learned standing counsel took me through its contents. The objection of the learned standing counsel is that the petitioner failed to upload the teaching experience certificate, even though sufficient particulars were given. Since the petitioner's teaching experience certificate was not uploaded, it was not taken into account at the time of certificate verification. He defended the non-selection of the petitioner and called for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. It is not in dispute that the notification dated 27.11.2019 issued by TRB envisages awarding two marks for teaching experience. Annexure 3 contains the format of experience certificate. I called upon the petitioner's counsel to explain as to why the petitioner failed to upload the experience



W.P(MD)No.17580 of 2022

certificate as set out in annexure 3 in the first instance. My attention was then drawn to page 24 of the recruitment notification which deals with awarding weightage mark. It reads as under:-

S.No	Description	Engineering	Non-Engineering
(I)	For teaching experience of 2 years and above, on Full-Time basis in Govt/Aided/self-financing polytechnics or Engineering Colleges OR For teaching experience of 4 years and above, on part time basis in Govt/Aided/self-financing polytechnics or Engineering Colleges.	2 Marks	2 Marks
(ii)	Additional qualifications: (a) M.E / M.Tech., in the appropriate Branch of study. (b) M.Phil., in the appropriate Branch of study.	3 Marks 	 3 Marks
(iii)	For Ph.D in the appropriate Branch of study.	5 Marks	5 Marks

7. A mere reading of the same would indicate that the board proposed to take into account the teaching experience in the Government / Aided / Self Financing Polytechnics or Engineering Colleges. The petitioner had put in



W.P(MD)No.17580 of 2022

more than 9 years of teaching experience in PKN Arts and Science College, Thirumangalam. It is not a Polytechnic or an Engineering College. Clause 12(d) calls upon the candidate to upload teaching certificate (if applicable). Therefore, the petitioner legitimately and rightly thought that teaching experience put in by her in the Arts and Science College will not be taken note of. In fact, number of similarly placed candidates had entertained the same doubt. That is why, TRB issued clarification on 11.03.2022 that even those who had put in teaching experience in the Arts and Science College can also upload their teaching experience.

8. The specific case of the petitioner is that inspite of her best efforts, she could not upload her teaching experience certificate. She therefore sent an E.Mail to the board on 25.03.2022 at 10.15 a.m. It elicited response a full two months later ie., on 26.05.2022. A link was provided and the petitioner was called upon to upload the document. In spite of the best efforts taken by the petitioner, she could still not successfully upload the document. She sent one more mail on 27.05.2022 at 4.33 pm. On 16.07.2020, when the certificate verification took place, the petitioner produced the teaching certificate. The nodal officer had given an acknowledgment of the certificates produced by the petitioner. Serial No.13 deals with teaching experience certificate. It is seen



W.P(MD)No.17580 of 2022

therefrom that the petitioner produced the same and it was also acknowledged and returned after. I fail to understand as to why the teaching experience certificate was not taken into account for awarding of marks. It is not in dispute that no mark was awarded to the petitioner in respect of her teaching experience. The defence that only the uploaded documents were taken into account and the other documents were not accepted is un-sustainable. The difficulties that candidates face in such situations is well known. The digital divide is a reality. It is not as if the petitioner is making a bald claim that she was not able to upload the documents. The petitioner sent two mails prior to the certificate verification that she was unable to upload the document. There is a clear discrepancy between the copy of the recruitment notification and the Annexure 3. Realizing the same, TRB issued clarification later. The petitioner had expressed her difficulty in uploading. When during certificate verification, the petitioner produced the same, it ought to have been accepted. Non-awarding of two marks for teaching experience is clearly illegal.

9. I therefore direct the first respondent board to award two marks for teaching experience to the petitioner. The petitioner's score will be 149. This writ petition came up for admission on 04.08.2022. An interim order was passed on to the effect that the appointments made pursuant to the provisional



W.P(MD)No.17580 of 2022

selection list will abide by the final decision. It is for the respondents to take appropriate steps based on what has now been declared.

10. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

14.11.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Principal Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.

2.The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai-600 025.



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W.P(MD)No.17580 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.17580 of 2022

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