



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 04.04.2022  
CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

**W.P. (MD)No.13574 of 2018**

**and**

**W.M.P. (MD)Nos.12368 and 12369 of 2018**

S.Kannaki

... Petitioner

vs.

1.The State of Tamil Nadu,  
represented by its Secretary,  
Department of School Education,  
Fort. St. George, Chennai-600 009.

2.The Chairman,  
Teachers Recruitment Board,  
4th Floor, V.K. Sampath Building,  
DPI Campus, College Road,  
Chennai-600 006.

3.The Director of School Education,  
DPI Campus, College Road,  
Chennai- 600 006.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned result of the petitioner issued by the 2nd respondent Teachers Recruitment Board dated nil in so far as rejecting the petitioner's candidature in Roll.No.13TE15200179 for Direct Recruitment of B.T.Assistants and B.T.Assistants (IEDSS) for the year 2015-16 dated nil, to quash the same and further to direct the respondents to select and appoint the petitioner in the post of B.T.Assistant (Tamil) under the Department of school.

|                |                         |
|----------------|-------------------------|
| For Petitioner | : Mr.T.Cibi Chakraborty |
| For R1 and R3  | : Mr.V.Om Prakash       |
|                | Government Advocate     |
| For R2         | : Mr.V.R.Shanmuganathan |

**O R D E R**

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned result of the petitioner issued by the 2nd respondent Teachers Recruitment Board dated nil in so far as rejecting the petitioner's candidature in Roll.No.13TE15200179 for Direct Recruitment of B.T. Assistants and B.T. Assistants (IEDSS) for the year 2015-16 dated nil and to direct the respondents to select and appoint the petitioner in the post of B.T. Assistant (Tamil) under the Department of school.



2. The brief facts of the case are that petitioner had completed Higher Secondary examination in the year 1992, later B.Lit. (Tamil) in the year 2003 and B.Ed., in November 2006. The Teachers Recruitment Board invited applications for the Teachers Eligibility Test (Paper-I and II) in the year 2013, vide notification, dated 22.05.2013 and the petitioner passed with mark 103 out of 150. The Teachers Recruitment Board called for certificate verification for paper II on 10.01.2014. The petitioner attended the certificate verification with the necessary certificates. Thereafter, the State Government issued G.O.Ms.No.71, School Education (TRB) Department, dated 30.05.2014, evolved a method to award weightage marks for selection of the candidates for the appointment to the post of Graduate Assistants in Government Schools. As per the qualification method set out in G.O., the petitioner has secured 64.34 marks out of 100. The method prescribed under G.O. is as under:

"(a) There shall be 100 marks in total;

(b) The computation of 100 marks will be in the following manner:

- i. Higher Secondary Exam : 10 marks
- ii. Degree Exam : 15 marks
- iii. B.Ed. Exam : 15 marks
- iv. Teacher Eligibility Test : 60 marks

The weightage so assigned as indicated in (b) above to be distributed based on the actual percentage of marks obtained by the candidate in the qualifying examinations as shown below:

| Qualifying Examination | Weightage of Marks | Percentage of Marks obtained in the qualifying examination | Marks Assigned            |
|------------------------|--------------------|------------------------------------------------------------|---------------------------|
| H.Sc.,                 | 10                 | P%                                                         | $\frac{P \times 10}{100}$ |
| Degree                 | 15                 | Q%                                                         | $\frac{Q \times 15}{100}$ |
| B.Ed.,                 | 15                 | R%                                                         | $\frac{R \times 15}{100}$ |
| TET                    | 60                 | S%                                                         | $\frac{S \times 60}{100}$ |
| Total                  | 100                |                                                            | ***                       |

3. The Teachers Recruitment Board issued a notification, vide Advertisement No.2/2014, dated 14.07.2014, for filling up the post  
<https://hcservices.ecourts.gov.in/hcservices/>



of B.T. Assistants under the Tamil Nadu School Educational Subordinate Service from the candidates qualified in the Tamil Nadu Teachers Eligibility Test (Paper II) conducted in the year 2012 and 2013. The Teachers Recruitment Board notified 10,671 posts (including backlog and current vacancies). Out of this, 772 posts for B.T. Assistant (Tamil) were notified under the both the Department of School Education and Elementary Education. The petitioner's total weightage mark is below the required mark and the petitioner was not selected.

4. Thereafter, in the year 2015, the petitioner completed Tamil Pandit Training from Tamil University, Thanjavur and obtained 487 marks out of 600. In the year 2017, the second respondent issued notification, dated 07.03.2017, stating that it has decided to give one more chance to certain categories of persons. However, the respondents have not considered the petitioner's qualification which was improved later, which is against the said notification. Aggrieved over the same, the present Writ Petition is filed.

5. The respondents have filed counter affidavit stating that the Teachers Recruitment Board has issued a provisional list based on the Teachers Eligibility Test on 10.10.2014. The petitioner belongs to MBC (W) and the last candidate selected for MBC (W) in B.T. Assistant (Tamil) secured 67.92 marks and the petitioner has secured only 64.34 marks. Hence, she is not entitled to the appointment and prayed to dismiss the writ petition.

6. Heard Mr.T.Cibi Chakraborty, learned Counsel appearing for the petitioner, Mr.V.Om Prakash, learned Government Advocate appearing for the first and third respondent and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the second respondent.

7. The contention of the respondents is that the petitioner has secured only 64.34 and therefore, she is not eligible. This claim was denied by the petitioner stating that the 64.34 marks was secured in the year 2014. Subsequently, the petitioner has improved her score in the year 2015 and she has obtained 487 marks out of 600. This mark was not taken into consideration by the respondents. Admittedly, the respondents have stated in their counter that they have taken earlier mark of 64.34 and not the marks 67.92. But the respondents are bound to take the improvement marks as per their own notification.

8. The learned Counsel appearing for the respondents relied on the judgment dated 10.02.2022 rendered by the Division Bench in W.A. No. 1082 of 2021. It is seen that in that case, the petitioner has not attended the certificate verification and hence declined the prayer of the petitioners. In the present case, the petitioner has



differs and therefore, the judgment is not applicable for the present facts and circumstances of the case.

9. Therefore, this Court is of the considered opinion that the petitioner's claim ought to be considered by the second respondent. Therefore, this Court is directing the second respondent to consider the subsequent improvement passed by the petitioner in the year 2015 and the second respondent is directed to consider the DPI weightage and fix the petitioner's serial number in the list. The first and third respondents are directed to take into consideration, the subsequent mark granted by the second respondent and consider to grant an appointment order. The petitioner submitted that there are 4 vacancies. Therefore the respondents are directed to appoint the petitioner in one of four vacancies and the said exercise shall be completed within a period of four weeks from the date of receipt of the copy of the order.

10. With the above observation, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar (CS)

Tmg

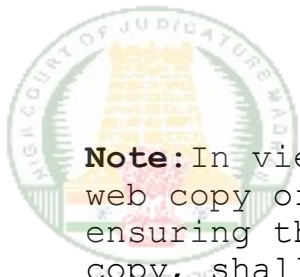
To

1. The Secretary,  
Department of School Education,  
Fort.St.George, Chennai-600 009.

2. The Director of School Education,  
DIP Campus, College Road, Chennai- 600 006.

+1 CC to M/s.SPL.GP ( SR-16681[F] dated 05/04/2022 )

+1 CC to M/s.T. CIBI CHAKRABORTHY, Advocate ( SR-16524[F] dated 05/04/2022 )



**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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W.P. (MD) No.13574 of 2018  
04.04.2022

ARK (CO)  
KB (22.04.2022) 5P 5C