



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.23148 of 2022

and

W.M.P(MD)Nos.17246, 17247 & 17248 of 2022

J.Jackulin Mary

... Petitioner

v.

1.The State of Tamil Nadu, Rep.by its Secretary,
School Education Department,
Secretariat, Chennai.

2.The Chairman, Teachers Recruitment Board,
3rd & 4th Floor, Puratchi Thalaivar
Dr.MGR Centenary Building,
DPI Campus, College Road, Chennai – 6.

3.The Member Secretary,
Teachers Recruitment Board,
3rd & 4th Floor, Puratchi Thalaivar
Dr.MGR Centenary Building,
DPI Campus, College Road, Chennai – 6.

4.The Commissioner of School Education,
Nungambakkam, Chennai -8.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records relating to the impugned provisional selection list issued by the 2nd respondent vide proceedings Nil dated 14.09.2022 (published in the official webstie of TRB on



14.09.2022) and quash the same as illegal in so far as non-inclusion of the petitioner's name is concerned and consequently to direct the respondents to select and appoint to the post of P.G.Assistant (Economics) taking into consideration of the petitioner's qualification and the marks secured in the examination within the period that may be stipulated by this Court.

For Petitioner : Mr.Mohammed Imran.H.

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 & R4

Mr.V.R.Shanmuganathan
standing counsel for R2 & R3

ORDER

Heard the learned counsel on either side.

2.Teachers Recruitment Board issued notification calling for applications for the post of P.G Assistants in various subjects in the year 2020-21. The petitioner is an aspirant for the post of P.G Assistant (Economics). The petitioner wanted to be considered under PSTM category. If she had been considered under the said category, she would have been selected. Since she was not selected, questioning her exclusion, this writ petition has been filed.

3.The learned counsel for the petitioner states that the petitioner had uploaded the PSTM certificate signed by the Chairman of ARR Trust,



Kumbakonam. It is running a B.Ed college in which the petitioner studied in Tamil Medium. Since an issue was raised regarding the format in which the certificate was issued, the petitioner also obtained fresh certificate from the Registrar of Tamil Nadu Teachers Education University to which the B.Ed college is affiliated. The learned counsel for the petitioner submits that the petitioner deserves to be granted relief.

4.The respondents have filed counter affidavit and the learned standing counsel took me through its contents and pressed for dismissal of this writ petition.

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

6.Clause 14(13)(c) of the notification issued by the Teachers Recruitment Board contains the following clause :

“C.Tamil Medium Study Certificate : For the post of Post Graduate Assistants, candidate who claims reservation under PSTM (Persons Studied in Tamil Medium) category has to submit Tamil Medium Study Certificate in the prescribed format (Annexure) for SSLC, Higher Secondary, Under Graduate Degree, Post Graduate Degree and B.Ed Degree or its equivalent as per Tamil Nadu Act No.35 of 2020”



The certificate originally uploaded by the petitioner is clearly not in the prescribed format. Of course, the certificate subsequently obtained by the petitioner on 01.09.2022 is in the prescribed format. The certificate verification took place on 03.09.2022. The petitioner's counsel would assert that on 03.09.2022, the certificate dated 01.09.2022 issued by the Registrar of Tamil Nadu Teachers Education University was produced. In the affidavit filed in support of the writ petition, there is no such assertion. The learned standing counsel would call upon this Court to come to the conclusion that the certificate dated 01.09.2022 was not produced.

7.I find merit in the submission made by the learned standing counsel. Now the question is whether the petitioner ought to have been considered under the PSTM category by TRB. Of course, the Hon'ble Apex Court in Food Corporation of India v. Rimjhim (2019) 5 SCC 793 had held that if a candidate was otherwise eligible and qualified, merely because there was some minor lapse, the candidate should not be disqualified. But then, the facts on hand cannot be lost sight of. I had a look at the certificate uploaded by the petitioner. It is obviously not in the prescribed format. The notification clearly states that all the relevant documents should be uploaded in the portal along with the application itself and that uploading the same after the last date of application will not be allowed. If the case of the petitioner is accepted, this



Court would be literally opening the flood gates. The writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

15.11.2022

Index : Yes / No
Internet : Yes/ No
mga/skm

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G.R.SWAMINATHAN, J.

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