



W.P(MD)No.22890 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22890 of 2022

and

W.M.P.(MD)No.16995 of 2022

V.Subha

... Petitioner

Vs.

1.The Teachers Recruitment Board,
rep. by its Member Secretary,
College Road,
Chennai-600 006.

2.The Commissioner of School Education,
Chennai-06.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to include the petitioner's name in B.C.Women Category for P.G.Assistant (Commerce) as per the mark secured by the petitioner i.e., 95 marks in the provisional selection list published on 17.09.2022 and further direction to issue appointment order on the basis of the marks obtained by the petitioner.

For Petitioner : Mrs.Hemakarthiskeyan

For R1 : Mr.V.R.Shanmuganathan
Standing Counsel

For R2 : Mr.J.Ashok
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The petitioner applied in response to the notification issued by TRB calling for applications from eligible candidates for the post of PG Assistants. The petitioner is an aspirant for the post of P.G (Commerce). The petitioner had scored 95 marks. The petitioner belongs to BC category. The cut-off mark of BC category is 94. The petitioner would have definitely been selected but for the mistake committed by her while uploading the application. In the application submitted by her, she had described herself as OC candidate. The petitioner did not enclose her community certificate also. It is true that subsequently, the notification was issued by TRB enabling the candidates to upload the certificates. At that stage, the petitioner uploaded her community certificate and also stated that she wants change of her community status. At the time of certificate verification, the petitioner is said to have produced the community certificate. Yet, she has not been selected. Challenging her non-selection, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to grant relief as prayed for.

4. I am not persuaded by the submission of the learned counsel appearing for the petitioner. The petitioner had described herself only as OC candidate in the application. It is true that subsequently, pursuant to the notification issued by TRB, she uploaded her community certificate. But as rightly pointed out by the learned standing counsel, the subsequent notification was issued only to enable the candidates to fill up lacuna in the matter of uploading the certificates. The subsequent notification cannot be invoked for the purpose of changing the very status of the candidates.

5. Though the learned counsel appearing for the petitioner relied on the order dated 26.09.2019 passed by the Hon'ble Division Bench in W.A.No.3285 of 2019, the learned standing counsel has been able to distinguish the same on facts. In the said case, the candidate had erroneously mentioned his date of birth but had enclosed his birth certificate. Thus, there was discrepancy between the particulars entered in the application and the certificate enclosed by him. The Hon'ble Division Bench came to the conclusion that the certificate



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would prevail, when there was such discrepancy. The case on hand is not one such. The petitioner did not even make her claim for being considered under BC category. Clause 14(iii) of the notification reads that evidence of claims made in the online application should be submitted at the time of Certificate Verification, if called for. Any subsequent claim made thereafter on submission of online application will not be entertained at any cost. This clause is binding on the writ petitioner.

6. The learned standing counsel relied on the decision reported in **2006 (3) CTC 449 (M.Vennila (Dr.) Vs. Tamil Nadu Public Service Commission)**. The Hon'ble Division Bench had held that there must be strict adherence to the terms and conditions of the procedure issued by the recruiting agency and the same cannot be relaxed at the instance of the Court.

7. Respectfully adopting the very same ratio, I cannot grant relief to the petitioner. The Writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2022

Index : Yes / No
Internet : Yes/ No
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To

The Commissioner of School Education,
Chennai-06.



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G.R.SWAMINATHAN, J.

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