



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.22505 of 2019

and

W.M.P.(MD) No.19288 of 2019

K.Sulochana

... Petitioner

-vs-

The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
4th Floor, DPI Campus, College Road,
Nungambakkam, Chennai-600 006.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to include the name of the petitioner in the provisional selection list of candidates dated 09.09.2019.

For Petitioner : Ms.Porkodi Karnan
for M/s.Polax Legal Solutions

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

O R D E R

The relief sought for in the present writ petition is to direct the respondents to include the name of the petitioner in the provisional selection list of candidates dated 09.09.2019.

2. The issue raised in this writ petition is no more *res integra*, as the Hon'ble First Bench of this Court elaborately considered the same and passed a judgment on 16.03.2020 in W.A.(MD) No.404 of 2020 etc., batch. The relevant portion of the judgment reads as under:-

"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.

3. In view of the judgment of the Hon'ble First Bench, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)



The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai, 4th Floor, DPI Campus,
College Road, Nungambakkam, Chennai-600 006.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-21404[F] dated
26/04/2022)

W.P. (MD) No.22505 of 2019
25.04.2022

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