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W.P.No.1474 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.1474 of 2023

and

W.M.P.Nos.1571, 1573 & 1576 of 2023

1.R.Mahalakshmi

2.C.Amirtham

..... Petitioners

-Versus-

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

2.Teachers Recruitment Board,
Rep. by its Chairman,
4th Floor, Puratchi Thalaivar,
Dr. M.G.R. Centenary Building,
DPI Campus, College Road, \
Chennai 600 006.

3.The Director of School Education,
(Higher Secondary School),
Chennai 600 006.

[3rd respondent was suo motu impleaded as per the order of
this court dated 06.02.2023 made in W.P.No.1474 of 2023]

..... Respondents



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Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to issue appointment orders to the petitioners who have secured 82.84 marks in the written examination held on 23.06.2019 conducted by the 2nd respondent as Computer Instructors Grade-I pursuant to Notification No.09/2019, dated 01.03.2019 under the Backward Class (BC) community category.

*For Petitioner(s) : Mrs.Nalini Chidambaram
Senior Counsel for
Mrs.C.Uma*

*For Respondent (s) : Mr.P.Baladhandayutham,
Spl. Government Pleader for
RR1 & 3
Mr.K.Sathish Kumar
for R2*

ORDER

This writ petition is filed seeking a writ in the nature of mandamus, directing the 2nd respondent to issue appointment orders to the petitioners who have secured 82.84 marks in the written examination held on 23.06.2019 conducted by the 2nd respondent as Computer Instructors Grade-I pursuant to Notification No.09/2019, dated 01.03.2019 under the Backward Class (BC) community category.



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2. The brief facts leading to the filing of the present writ petition are as

under:-

The 2nd respondent – Teachers Recruitment Board (for short, “the TRB”) issued a Notification No.09/2019 dated 01.03.2019 inviting applications from the eligible candidates for direct recruitment to the post of Computer Instructors Grade-I (Post Graduate cadre) in School Education Department for the year 2018-19 coming under the Tamil Nadu Higher Secondary Educational Service. Originally 814 vacancies were notified and subsequently by an addendum 4 more vacancies were notified under various communal turns. The petitioners participated in the selection process and secured 82.84 marks in the written examination. In the final selection list, the petitioners were not selected. Hence, they have come forward with the present writ petition mainly on the ground that two of the candidates who were selected were found to be not eligible to the post for want of equivalence certificate and therefore, the petitioners, who were next in the line of selection under the BC community category, should have been considered for appointment to the post. But, that was not done by the TRB. The petitioners very recently came to know about the fact that two of the selected candidates were found to be not eligible for want of equivalence certificate and hence, the petitioners cannot be found fault



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in approaching the court belatedly with the delay and the delay had occasioned only due to the administrative lapses on the part of the TRB in not communicating the non-selection of the candidates who were above the petitioners in the merit list.

3. The 2nd respondent (TRB) filed counter affidavit denying the allegations made in the writ petition and inter alia contending that the petitioners were found to be not eligible for appointment to the post inasmuch as the degrees obtained by them were found not equivalent. The entire selection process, pursuant to the notification of the year 2019, had attained the finality. The remaining unfilled vacancies and the withheld vacancies were carried forward to the subsequent recruitment and the subsequent recruitment process, which was commenced pursuant to the Advertisement No.01/2021 dated 09.09.2021 for recruitment 2020-21 had also attained finality. The candidates who were appointed pursuant to notification-2019 had, in fact, completed their probation period. The writ petition which has been filed after a lapse of two years is liable to be dismissed on the ground of delay and laches.

4. Heard both sides.

5. The learned senior counsel appearing for the petitioners would mainly contend that the petitioners cannot be blamed for the delay in filing the writ



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petition inasmuch they were not aware of the fact that two of the candidates, whose name were withheld, were subsequently found to be not eligible for appointment for want of equivalence certificate and immediately after coming to know about the same, they made representations but the same were not considered by the TRB favourably. She further submitted that the petitioners were not considered for appointment on the wrong premise that the degrees obtained by them were not equivalent to the degrees for the purpose of employment in public service. In order to substantiate her claim, she took this court though the additional typed set of papers containing the equivalence certificate.

6.The learned senior counsel would further submit that when the selected candidates. whose names were with held for want of equivalence certificates, did not produce the equivalence certificates, the TRB ought to have considered the petitioners who were meritorious in the line.

7. I have considered the rival submissions carefully and also perused the material placed on record.

8. The petitioners claimed that they came to know about the fact that two of the vacancies had not been filed only in the year 2023 and therefore, they cannot be blamed for the delay and laches.



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9. It is not in dispute that the petitioner had secured 82.84 marks. Though two of the candidates who had secured marks higher than the petitioners were originally selected for appointment, their results were withheld for want of equivalence certificate and subsequently they were not given appointment for want of equivalence certificate and as such those two vacancies were left unfilled. The respondents contended that those two vacancies were carried forward to the next recruitment process and the subsequent recruitment process also had attained the finality. The vacancies notified in a particular notification must have been filled before the subsequent notification is issued. If any vacancies were left out in the earlier notification for some reasons, such vacancies must be carried forward to the next recruitment process. Merely because the petitioners are next in the line with merits below the names of withheld candidates would not enure right to them to be considered for appointment. The petitioners ought to have been vigilant. Having missed the bus, the petitioners cannot now, after lapse of more than two years, contend that they recently came to know about the fact that two of the vacancies notified in the notification of the year 2018-2019 were not filled up. When the selection process pursuant to the notification of the year 2019 had already been over and subsequent recruitment process of the year 2020-21 had also attained



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its finality, it is too late on the part of the petitioners to seek for a mandamus to the respondents to consider them for appointment to the post of Computer Instructors Grade-I pursuant to the notification of the year 2019.

For the foregoing discussions, this court is of the view that the writ petition is hopelessly barred by delay and laches and the same is liable to be dismissed and no directions as prayed for by the petitioners could be granted.

In the result, the writ petition is dismissed. No costs. Consequently, connected WMPs are closed.

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Index : yes / no

Neutral Citation : yes

Speaking / Non Speaking Order

kmk

Note: Issue order copy on or before 21.08.2023.

To

1.The Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai 600 009.

2.The Chairman, Teachers Recruitment Board,
4th Floor, Puratchi Thalaivar,
Dr. M.G.R. Centenary Building,
DPI Campus, College Road, \\
Chennai 600 006.

3.The Director of School Education,
(Higher Secondary School),
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N.SATHISH KUMAR.J.,
kmk

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