



W.P.No.7679 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7679 of 2016

S.Chitra

.. Petitioner

Vs.

The Chairman,
Teacher Recruitment Board,
4th Floor, E.v.K.Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondent to consider the petitioner for appointment to the post of sewing Teacher under MBC/DNC WT DW category in appropriate department based on merit in the selection.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.G.R.Ramesh Prabbhu

For Respondent : Mr. R.Neelakandan,
Additional Advocate General
assisted by Mr.C.Kathiravan,
Additional Government Pleader



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ORDER

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This Writ Petition has been filed in the nature of a Writ of Mandamus seeking direction to the respondents to consider the petitioner for appointment to the post of Sewing Teacher under in MBC/DNC WT DW category in appropriate department based on merit in the selection.

2. Based on the notification issued by the respondents in notification No.05/2017 dated 26.07.2017 for direct recruitment of Special Teachers including Sewing Teachers for the vacancies of the year 2012-2016, the petitioner applied the same under MBC/DNC WT DW and attended the examination conducted on 27/09/2017. Subsequently, after publication of results, provisional list of candidates were published. The petitioner has secured 53 marks under the most backward class category. Her name was also included in the list of candidates published on 27.02.2018. Thereafterwards, the petitioner had appeared for certificate verification and her certificates had been duly verified. After completion of the process of certificate verification, the tentative provisional selection list has been published in the year 2018 wherein the petitioner name was not found. However, it is the contention of the petitioner that as per the



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selection list one post of sewing teacher in MBC/DNC WT DW category was kept under reserved caption. Since, the name of the petitioner was not found in the selection list, she is before this Court seeking the prayer cited *supra*.

3. Learned Counsel for the petitioner submitted that as per the selection list, the post of Sewing Teacher in MBC/DNC WT DW was kept under reserved caption and the petitioner is the only eligible candidate participated in the certificate verification under that category. Hence, the petitioner may be given appointment under the said category.

4. It is submitted by the learned Additional Advocate General that the board had published the revised selection list on 09.09.2019 for 201 candidates for the post of special teacher and all the candidates have joined their respective duties. On 12.10.2021, to fill up the unfilled vacancies, the board had revised earlier selection list dated 09.09.2019. Whereby 18 candidates were newly selected in addition to the above said 201 candidates. However, the additionally selected candidates have not been issued with the appointment order till date.



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5. Learned Additional Advocate General submitted that the petitioner had produced Embroidery and Needle Work Trade certificate having undergone training at Anjuman Private Industrial Technical Institute, Chennai and the certificate issued by National Council for Vocational Training. Since, no equivalence certificate was issued treating the above qualification offered by National Council for vocational training as equivalent qualification certificate as equivalent qualification to the Tamil Nadu Government, the petitioner is not eligible for the said post. He further submitted that after a lapse of three years, now the petitioner has produced G.O.(Ms).No.50, Labour Welfare and Skill Development (S2) Department dated 14.03.2003 stating that the course completed by the petitioner is equivalent to the courses conducted by the State Government.

6. This Court heard the learned counsel appearing on either side and perused the materials available on record.

7. It is an admitted fact that one post has been reserved for the petitioner vide order of this Court. It is also not in dispute that the



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Government selected 18 additional posts to fill up the unfilled vacancies.

Further, the respondent had also admitted that the petitioner has now produced the G.O granting equivalent certificate. Further, the respondents also given the following clarification in response to the queries raised by this Court vide order dated 07.07.2023:-

- i) The Vacant posts for sewing-Special Teachers for the year 2012-2016 have not been fully filled up pertaining to School Education Department.*
- ii) The Vacant posts announced in the Notification have not been fully filled up and the necessary actions are being taken to fill the said vacant posts.*
- iii) If the Petitioners submit Equivalence Certificate for their undergraduate study during certificate verification, the same will be considered as per rules.*

8. In the light of the above, having admitted by the respondent



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that if the petitioner has submitted the equivalent certificate, the same will be considered as per the rules, this Court is inclined to issue a direction to the respondent to complete the selection process among the eligible candidates along with the petitioner and publish the results within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs.

20.07.2023

NHS

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

To

The Chairman,
Teacher Recruitment Board,
4th Floor, E.v.K.Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.



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M.DHANDAPANI, J.

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