



W.A.(MD) No.549 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.549 of 2023
and
C.M.P.(MD) No.5493 of 2023**

The Chairman
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Maaligai
DPI Complex, College Road, Chennai

... Appellant

-vs-

- 1.Alagulakshmi
- 2.The Principal Secretary to Government
Department of Higher Education
State of Tamil Nadu
Fort St.George, Chennai-600 009
- 3.The Director of Technical Education
Directorate of Technical Education
Guindy, Chennai-600 025

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 14.11.2022, passed in W.P.(MD) No.17580 of 2022, on the file of this Court.

For Appellant : Mr.VR.Shanmuganathan

For Respondents : Mr.S.Siva Prakash for R1
Mr.D.Sadiq Raja
Additional Government Pleader for R2 & R3

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

No doubt the contention of Mr.VR.Shanmuganathan, learned counsel appearing for the appellant / Teachers Recruitment Board, appears to be very attractive. But, on the facts and circumstances of this case, we find that the Writ Court was justified in issuing directions to accommodate the first respondent / writ petitioner. The appellant / Teachers Recruitment Board had required the candidates to upload their experience certificates online. The press release relating to such uploading was made on 11.03.2022 and the candidates were required to upload their documents upto 18.03.2022. An extension of time was granted upto 25.03.2023. Again, further extension of



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time was made upto 01.04.2022. The first respondent had sent a mail to the appellant – Teachers Recruitment Board on 25.03.2022 at 10.15 a.m. complaining that she is unable to upload her work experience certificate. This was responded to by the appellant on 26.05.2022 and a link was provided to the first respondent. Again, on 25.07.2022 at 04.33 p.m., the first respondent had sent a mail complaining that she is unable to upload her work experience certificate. However, that work experience certificate was produced at the time of certificate verification. It is not in dispute that if the work experience certificate is considered, the first respondent would get the required cut-off marks. As rightly observed by the Writ Court, the digital divide or technical handicap cannot be lightly brushed aside. If the first respondent had not made complaints about her inability to upload her work experience certificate, the Writ Court might not have been justified in issuing the direction it had issued. The first respondent has consistently complained about her inability to upload her work experience certificate. May be, there was a technical glitch on the part of the first respondent also. But, denying employment to which she would be otherwise entitled to on this highly technical ground may not be fair and just. The Writ Court had taken into account the possibilities of the technical glitch and attempted to bridge the gap. We do not see any reason to interfere with the order passed by the Writ Court. Therefore, this writ appeal



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fails and it is accordingly, dismissed. The time limit granted by the Writ Court is extended by four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

06.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

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

2.The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai-600 025.



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