



W.P.(MD).No.9635 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 9635 of 2018
and
W.M.P(MD)No.8899 of 2018

M.Mallika

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Saint George Fort,
Chennai – 9.
2. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Vigilance and Anticorruption Department,
Saint George Fort,
Chennai – 9.
3. The Chairman,
Teacher Recruitment Board,
E.V.K.Sampath Maligai,
D.P.I.Compound,
Chennai -6.
4. The Zonal Deputy Director (Employment),
Office of Zonal Deputy Director of
Employment Exchange Office,
Madurai – 7.
5. The District Employment Office,
Dindigul.



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6. The Directorate of Employment and Training,
Department of Employment and Training,
Alandur Road, Thiru-Vi-Ka. Industrial Estate,
Guindy, Chennai – 600 052.

... Respondents

***[The 6th respondent is suo motu impleaded vide Court, order,
dated 27.03.2023]***

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Certiorarified Mandamus***, calling for the records relating to the order in ATMA/2574/2014, dated 03.06.2014 of the 5th respondent herein and quash the same and consequently direct the respondents herein to renew the petitioner Employment Exchange seniority bearing vide Registration No.W/673/1993 with continuity of seniority and direct the respondent herein to appoint the petitioner as BT Assistant Tamil.

For Petitioner : Mr.T.Pon Ramkumar

For R-1, 2, 4, 5 & 6 : Mr.M.Ramesh,
Government Advocate

For R-3 : Mr.V.R.Shanmuganathan,
Standing Counsel

ORDER

This writ petition is filed challenging the impugned order, dated 03.06.2014, passed by the 5th respondent with consequential direction to the respondents to renew the petitioner Employment Exchange seniority with continuity of seniority and to appoint the petitioner as BT Assistant Tamil.



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2. Heard Mr.T.Pon Ramkumar, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate, appearing for R-1, 2, 4, 5 & 6 and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for R-3. Perused the material documents available on record.

3. The petitioner has passed B.A.(Tamil) in the year 1988 and M.A.(Tamil) in the year 1991 and thereafter, in the year 1993 she has completed B.Ed. On 28.04.1993, she has registered her name in the 5th respondent Employment Exchange, Dindigul in Registration No.W/673/1993. The petitioner has renewed her registration periodically. In the year 2009, the Government has decided to appoint B.T. Assistants post through the 3rd respondent, Teacher Recruitment Board and the selection was based on employment seniority. The petitioner's name was sponsored through the 5th respondent. On 21.10.2009, the 3rd respondent called the petitioner for certificate verification and the petitioner appeared for the same, but the petitioner was not selected. Again, in the year 2012, the 3rd respondent called for certificate verification for the post of BT Assistant (Tamil) and the petitioner has appeared. But the 3rd respondent has not issued any appointment to the petitioner. Thereafter, the petitioner has approached the 5th respondent for renewal on 03.06.2014. The 3rd



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stating that as per records, the petitioner is already in Government service and was directed to appear before the 5th respondent along with records.

The petitioner had explained that during 2011-2012 the petitioner was called for certificate verification, however, she was not issued any appointment order. But the 5th respondent stated that, as per records the petitioner was appointed as BT Assistant (Tamil), hence, the 5th respondent is not in a position to renew in the Employment Exchange and also directed to get an order from the 3rd respondent that she was not appointed in the year 2011-2012 and thereafter, only the petitioner's registration would be renewed.

4. On 16.09.2014, the petitioner submitted a representation to the 3rd respondent requesting to issue an appointment order and furnish particulars about the certificate verification. The petitioner has also submitted a petition on 25.06.2014 under Right to Information Act. The 5th respondent has furnished particulars on 25.07.2014 stating as per letter, dated 24.12.2014, the 4th respondent herein included the name of the petitioner in the selected BT Assistant list, thereafter, the petitioner's name was removed from the Employment Exchange Registration. However, the respondents have not granted further particulars about the individual details. The petitioner attempted to receive by raising several questions, but the petitioner was not successfully in getting particulars.



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However, the 5th respondent, on appeal, informed that the petitioner appointment was issued in the name of the petitioner and as per records the 5th respondent is not in a position to renew in the Employment Exchange.

5. The contention of the petitioner is that somebody has impersonated the petitioner's name and received the appointment order, thereby, the petitioner's valuable right of appointment was declined. Therefore, the petitioner is before this Court.

6. The respondents have not filed any counter. Hence 27.03.2023 this Court suo moto impleaded the 6th respondent and directed to submit the records before this Court. Thereafter the 3rd respondent, TRB had filed counter stating that the selection for the year 2011-2012, the TRB has fixed a cutoff date and the petitioner is not coming within the zone of consideration. The TRB has taken the list of candidates who have registered on or before 30.09.1992, but the petitioner was registered on 28.04.1993. Hence the allegation that someone had impersonated the petitioner cannot be accepted, when the petitioner is not coming within the zone of consideration and hence prayed to dismiss the writ petition.

As far as the allegation that the petitioner's name was included in the list of selection candidates which is furnished in Right to Information Letter



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dated 25.07.2014 stating as per letter, dated 24.12.2014, the 4th respondent herein included the name of the petitioner in the selected BT Assistant list is concerned, the Director of Employment and Training alone can explain, but the petitioner has not impleaded them as party. Hence the respondents prayed to pass appropriate orders.

7. The learned counsel appearing for the petitioner relied on the reply dated 25.07.2014 issued in Ref.No.Aa1/3174/2014 under Right to Information Act. In the said reply it has furnished a copy of the communication in “Ref.No.Tho.Pa.3752/2012 dated 23.04.2012”, wherein it indicates the selected candidates. The Learned Counsel appearing for the TRB furnished the list of selected candidates, wherein none of the candidates stated in the above letter dated 23.04.2012 are there in selected list furnished by TRB. It is not known how the letter in “Ref.No.Tho.Pa.3752/2012 dated 23.04.2012” was issued when none of the candidates stated in the alleged selected list was there in the said reference dated 23.04.2012. Therefore, this Court is of the considered opinion that the misleading communications ought to be investigated, so that in future such misleading communications would not occur. Therefore, the 1st respondent shall conduct investigation and take action appropriately.



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8. As far as the claim of the petitioner to issue appointment

order is concerned, it is seen from the records and also the counter of TRB, the petitioner may not be entitled to the appointment order. The TRB has called for names for BC (G) who had registered on or before 30.09.1992 and for BC (W) on or before 28.10.1992. But the petitioner has registered her name on 28.04.1993. Therefore, this Court is of the considered opinion that the petitioner is not entitled to any appointment order.

9. With these above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
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21.03.2023



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To
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State of Tamil Nadu,
School Education Department,
Saint George Fort, Chennai – 9.
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State of Tamil Nadu,
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3. The Zonal Deputy Director (Employment),
Office of Zonal Deputy Director of
Employment Exchange Office,
Madurai – 7.
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S.SRIMATHY, J

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**Order made in
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