



W.P.(MD)No.18226 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18226 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

N.Manikandan

... Petitioner

vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Higher Education Department,
Secretariat, Chennai.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.

3.A.Ramanathan
4.V.S.Vinoj
5.J.Ganesh Kumar
6.V.Anithaselvakumari
7.K.Babu
8.V.Sankari
9.M.Antony Raj
10.S.Samundeeswari



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11.G.Ilakkiya
12.T.Raj Kumar
13.H.Mohana
14.D.Gomathi
15.E. Vijayan
16.S.Gnanavel
17.P.Ramesh
18.T.Nadhiya
19.S.Sasikala
20.M.Rajeswari
21.M.Ammu
22.T.Sangeetha
23.R.Kalaivanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned provisional selection list for certificate verification issued by the 2nd respondent in his proceedings No. Nil, dated Nil and to quash the same as illegal.

For Petitioners	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R1	: Mr.M.Ramesh Government Advocate
For R2	: Mr.V.R.Shanmuganathan
For R3 to 23	: No appearance



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ORDER

This writ petition is filed for issuance of a writ of Certiorari, to quash the impugned provisional selection list for certificate verification issued by the 2nd respondent.

2. The petitioner belong to backward class community and also a disabled person as one eye blind. The petitioner is qualified for being appointed to the post of P.G. Assistant (Maths). The 2nd respondent, vide Advertisement No. 02/2013, dated 09.05.2013, invited application for appointment to the post of Post Graduate Assistant/ Physical Education Directors Grade 1. The petitioner applied for the post of P.G. Assistant under the subject of Maths. The petitioner appeared in the written examination and scored 99 marks. The petitioner's name was also included in the Tentative Provisional List of Candidates called for Certificate Verification for the Recruitment of P.G. Assistants. He was called for certificate verification scheduled on 23.10.2013. But the



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petitioner was not selected since he was not coming within the zone of consideration and his mark is below the cut off mark.

3.The contention of the petitioner is that 288 posts were notified as per the notification, but subsequently, the respondents have called for another provisional selection list in respect of 21 persons. When the total vacancy is 288 and all the vacancies are filled up, the subsequent provisional selection list containing 21 persons is illegal and the selection list cannot go beyond the number of seats advertised. Therefore, the petitioner is before this Court.

4. The 2nd respondent has circulated the written instructions given by the Teachers Recruitment Board to the Standing Counsel, wherein it is stated that 288 vacancies were notified for the subject Maths in the School Education Department. The petitioner has secured 99 marks. The key answers were challenged before this Court in W.P.(MD)No.



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18791 of 2013 and batch. Subsequently, a revised list of candidates was issued. As per the revised list, the candidates whose names are in the revised list were called for certificate verification. The last selected candidate under BC category has secured 100 marks, whereas the petitioner has secured 99 marks. Since the petitioner was not within the zone of consideration, the petitioner was not selected. Subsequently, the Teachers Recruitment Board decided to fill the vacancies in other Departments such as Adi Dravidar Welfare Department, MBC/BC Welfare Department, Corporation of Chennai and Coimbatore corporation. The vacancy details are as under:

Sl.No.	Name of the Department	No. of PG (Maths) post
1.	BC & MBC Welfare Department	6
2.	Adi Dravidar Welfare Department	5
3.	Corporation of Chennai	1
4.	Corporation of Coimbatore	1
Total		13



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Thereafter, a fresh list of candidates for certificate verification was arrived at in 1:1 ratio following communal reservation. If more than one candidate secures the lowest or same cut off mark for the particular communal turn, all such candidates are called for certificate verification. The certificate verification list contained 21 candidates. The last candidate called for certificate verification under BC category has secured 100 marks whereas the petitioner has secured 99 marks. Therefore, the petitioner is not coming under the zone of consideration.

5. This Court is of the considered opinion when the petitioner is not coming within the zone of consideration, since the petitioner has secured only 99 marks, then the petitioner cannot be considered. Hence, the petitioner has not established any ground to interfere in the provisional selection list. Moreover, the selection was conducted in the year 2013. Due to efflux of time, the same cannot be considered at this juncture. Hence, the writ petition is dismissed. No costs. Consequently,



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connected miscellaneous petitions are closed.

Index : Yes / No

14.03.2023

Internet : Yes

NCC : Yes / No

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To

The Secretary,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai.



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S.SRIMATHY, J

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