



W.P.(MD).No.24046 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.24046 of 2022

and

W.M.P(MD)Nos.18143 of 2022

J.Prisca

... Petitioner

Vs.

1.The Chairman,
Government of Tamil Nadu,
TRB (Teachers Recruitment Board),
3rd Floor, Puratchi Thalaivar Dr.MGR
Centenary Building,
DPI Campus, College Road,
Chennai-600 006.

2.The Director,
Government of Tamil Nadu,
School Education Directorate,
DPI Campus, College Road,
Chennai.

3.The Commissioner,
School Education Directorate,
DPI Campus, College Road,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents to



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restore the selection list, dated 26.09.2022 for recruitment to Post Graduate Assistants and conduct counselling for appointment as per the above list and issue appointment order to the petitioner.

For Petitioner : Mr.S.Titus

For R1 : Mr.VR.Shanmuganathan
Standing Counsel

For R2 & R3 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to restore the selection list, dated 26.09.2022 for recruitment to Post Graduate Assistants and conduct counselling for appointment as per the above list and issue appointment order to the petitioner.

2. The petitioner is qualified in M.Sc (Maths) in the year May 2021. The petitioner pursued education in Tamil Medium in SSLC, +2, B.Sc(Maths) and B.Ed. The 1st respondent called for applications in various subjects including Maths for the recruitment to the post of Post Graduate Assistants in Education Department. As far as the subject Maths is concerned, 255 posts were notified.



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The petitioner attended the computer based examination on 16.02.2022 and had obtained 81.053676 marks. Out of total 255 posts, the petitioner's rank was 235. The 1st respondent issued merit list on 16.09.2022, in which the petitioner was placed in the 235th rank. Thereafter, the 1st respondent on 26.09.2022 published the revised rank list, in which the petitioner's name was ranked in 235th place and the petitioner was placed in the category of B.C Women Tamil in the said list after certificate verification which was held on 03.09.2022. While the petitioner was expecting for the counselling procedure, suddenly on 13.10.2022, the 1st respondent published new list for Maths subject, in which a special category of 22 persons were added and 232 in the general category and totally, 254 post's selection list was published. However, to the shock and dismay of the petitioner, her name was not included in the 235th rank, without assigning any reasons for the deletion of her name from the final selection list. Pursuant to the same, the petitioner came to know that 13 persons who pursued education in Tamil Medium in the category of Maths subject were removed without assigning any reasons from the list, though 20% of the posts were reserved for Tamil Medium for all the subjects. Hence, the petitioner filed this writ petition seeking to direct the respondents to restore the selection list, dated 26.09.2022 for recruitment to the post of Post Graduate Assistant and conduct



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counselling for appointment as per the original list and issue appointment order to the petitioner.

3. The 1st respondent has filed a counter and the learned Government Advocate submitted that it is true that on 17.09.2022, the Board released the provisional selection list for the subject of Maths on its official website, in which, the petitioner's name was mentioned under BC Tamil Medium turn and placed in Serial No.235. Even in the revised provisional selection list, dated 26.09.2022, the petitioner was placed under Serial No.235 in BC (W) (T). However, this Court by its order, dated 11.10.2022 and 13.10.2022 in W.P.Nos. 24888 & batch and W.P.Nos.22256 & batch, had directed the 1st respondent Board to reserve one post for each of the petitioners in the aforesaid writ petitions in their respective subject category. In view of the orders passed by this Court in various writ petitions, the list of provisionally selected candidates for the appointment after reserving 56 posts under various subjects within the notified vacancies as prescribed was arrived at and in that process, the petitioner's name came to be deleted in the final list published on 13.10.2022.



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4. However, the learned counsel appearing for the petitioner drew my attention to the order passed by this Court in W.P.No.27893 of 2022, dated 27.10.2022 which was filed by C.Revathi & Others seeking to direct the 1st respondent to issue posting orders to the petitioners to the post of P.G Assistant (Maths) based on the selection conducted by the 1st respondent as per notification No.01/2021, dated 09.09.2021 and as per selection list published on 16.09.2022 and 26.09.2022 respectively by allowing the petitioners therein to participate in the counselling for posting. The said Revathy is a similarly placed person whose name was placed in the selected rank list, dated 16.09.2022 and 26.09.2022 along with the petitioner under BC Women Tamil category and it was later deleted pursuant to the orders passed by this Court in various writ petitions in the final provisional list, dated 13.10.2022. This Court in W.P.No.27893 of 2022 has passed favourable orders to the petitioner therein. The relevant portion of which is extracted as follows:

5. The Relevant paragraphs of the written instructions in W.P.No.27740 of 2022 batch received by the learned Additional Advocate General from the Teachers Recruitment Board, dated 17.10.2022, which is also applicable to this case are extracted hereunder:-



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It is stated that the Board issued the appointment order for the provisionally selected candidates after reserving 56 posts for various subjects as per the above mentioned orders.

It is stated that the Board issued appointment order for the provisionally selected candidates for the subject Botany, Computer Science, Geography, History, Home Science, Physical Education, Political Science & Zoology on 13.10.2022. Further for the subjects Tamil, English, Mathematics, Physics, Commerce and Economics the Board issued the appointment order for the provisionally selected candidates on 14.10.2022.

It is stated that the recruitment for the PG assistants has attained finality by way of issuing the appointment orders. It is further stated that the vacancies for the above said recruitment is filled. Hence, the board cannot reserve any further vacancy in respect to any interim orders to keep one post vacant in future, since the vacancies are determined by the User Department. As per the request of the User Department, the board has filled the notified vacancies.

6. Admittedly, under the Notification No.01/2021, dated 09.09.2021, the User Department i.e., the Government has got the power to include new posts. Therefore, there is no prohibition for the respondents to call the petitioners herein for counselling and thereafter, if they have satisfied the requirements, issue appointment orders in their favour. The reason given by the respondents as seen from the instructions received by the learned Additional Advocate General as extracted supra is unjustified, in



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view of the fact that the petitioners have already been declared / selected provisionally as they have been found to be eligible. In case, the petitioners in the connected writ petitions are entitled to the relief sought for in those writ petitions, necessarily the respondent / Government will have to increase the number of vacancies and therefore, the interim direction given by this Court on 11.10.2022 in W.P.No.24888 of 2022 batch directing the respondents to reserve one post for each of those petitioners cannot be a bar for the respondents to call the petitioners herein for counselling and thereafter, issue appointment orders in their favour, if they have satisfied all the requirements during the counselling.

7. After giving due consideration to the aforementioned factors, this Court directs the respondent / Teachers Recruitment Board to call the petitioners herein for counselling, within a period of four weeks from the date of receipt of a copy of this order and thereafter, issue appointment orders in their favour, provided they have satisfied the requirements of the respondent / Teachers Recruitment Board at the time of counselling.”

5. The petitioner is also a similarly placed person whose name was originally kept in rank 235 in the provisional list, dated 16.09.2022 and 26.09.2022 and whose name was later deleted in the final provisional list, dated 13.10.2022.



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6. In the line of the order passed by this Court in W.P.No.27893 of 2022, dated 27.10.2022 (*C.Revathi & Others Vs. The Commissioner, Directorate of School Education*), this Court hereby directs the respondents to call the petitioner herein for counselling within a period of four (4) weeks from the date of receipt of a copy of this order and thereafter, issue appointment order in her favour, if she satisfy the requirement of the 1st respondent Board at the time of counselling.

7. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.09.2023

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

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L.VICTORIA GOWRI, J.

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