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W.P.(MD)No.2742 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.2742 of 2016
and
W.M.P.(MD)No.2421 of 2016

S.Saraswathi

... Petitioner

vs.

1.The State of Tamilnadu,
represented by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai 600 009.

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

3.The Director,
Directorate of School Education,
DPI Complex,



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College Road, Chennai 600 006.

4.The School Education Joint Director
(Vocational Education),
DPI Complex,
College Road, Chennai-600 006.

5.The Headmaster,
Government Higher Secondary School,
Aragalur, Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the order in Na.Ka.No.1502V1/E2/2010, dated 24.07.2013, passed by the respondent No.4 and to quash the same as illegal, consequently, to direct the respondents to reinstate the petitioner in service as Computer Instructor in the School by considering the petitioner's representation, dated 28.01.2016, within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.V.Om Prakash
Government Advocate



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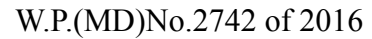
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ORDER

This writ petition is filed challenging the impugned order, dated 24.07.2013 and consequently, to direct the respondents to reinstate petitioner as Computer Instructor in 5th respondent School.

2.The petitioner was appointed as Computer Instructor in the 5th respondent School. However, the said recruitment was conducted without following proper recruitment process. Therefore, the Government has decided to conduct Special Eligibility Test. In the Special Eligibility Test, 125 candidates had scored higher marks and they were retained in service.

3. The contention of the petitioner is that there were defects in the question paper. Therefore, certain candidates approached the Court. The Hon'ble Division Bench in W.A.No.837 of 2010, vide judgment, dated



4. In order to verify the allegation of the petitioner, this Court directed the Teachers Recruitment Board to produce the marks obtained by 125 candidates. The Teachers Recruitment Board submitted the candidates list along with the marks and all of them had obtained more than 75 marks. Therefore, the contention of the petitioner raised in the



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writ petition is incorrect. Therefore, this Court is not inclined to entertain this writ petition.

5. It is seen from the records that the petitioners are aged more than 50 years. At this age, the petitioner cannot seek any public employment.

6. This Court is of the considered opinion that the respondents may consider to retain the petitioner in the service by granting one more opportunity by conducting examination. Since the examination was conducted in the year 2010, now the petitioner would have been gained some more knowledge by this time. Therefore, the official respondents shall consider the petitioners' request. The petitioner is directed to submit a representation to the official respondents and the official respondents shall consider and pass orders within a period of twelve



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weeks from the date of receipt of such representation, considering the petitioner as special case.

7. With the above said observation, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

12.06.2023

Internet : Yes

NCC : Yes / No

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To

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S.SRIMATHY, J

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