



W.P.(MD).No.26422 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26422 of 2022
and WMP(MD)Nos.20609 and 20611 of 2022

1. P.Ramesh
2. R.Rajkumar
3. S.Karthigaiselvi
4. D.Sanjee
5. R.Suresh

... Petitioners

Vs

1. The Principal Secretary to Government,
School Education Department,
Government of Tamil Nadu, Secretariat,
St.George Fort, Chennai - 600 009.
2. The Chairman,
Teachers Recruitment Board, 4th Floor,
EVK Sampath Maaligai, DPI Campus,
College Road, Chennai - 600 006.
3. The Commissioner,
Directorate of School Education, DPI Campus,
College Road, Chennai - 600 006.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to operate the waiting list / reserve list for Notification No.1/2021 dated 09.09.2021 and Notification No.01C/2022 dated 03.08.2022 in accordance with section 27 of Tamil Nadu Government servants (Conditions of Service) Act for Post Graduate Assistants / Physical Education Directors Grade - I and Computer Instructor Grade - I by considering the petitioner representation, dated 09.11.2022, within the time stipulated by this Court.

For Petitioner : Mr.G.Sakthi Rao

For Respondents : Mr.N.Ramesh Arumugam (R1,R3)
Government Advocate

Mr.V.R.Shanmuganathan (R2)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the second respondent to operate the waiting list / reserve list for Notification No. 1/2021, dated 09.09.2021 and Notification No.01C/2022, dated 03.08.2022 in accordance with Section 27 of Tamil Nadu Government servants (Conditions of Service) Act for Post Graduate Assistants / Physical Education Directors Grade - I and Computer Instructor Grade - I by considering the petitioners representation, dated 09.11.2022, within the time stipulated by this Court.



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2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.G.Sakthi Rao, learned counsel appearing for the petitioners, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the first and third respondents and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the second respondent. Perused the materials on record.

4.(i).The Second respondent called for a Common Recruitment for selection to the post of Post Graduate Assistants/Physical Education Directors, Grade – I and Computer Instructor Grade I, for the year 2021, vide Notification No.1/2021, dated 09.09.2021 and 01C/2022, dated 03.08.2022 for about 3237 vacancies. The second respondent, at the same time, has also conducted a selection process, vide Notification No.14/2019, dated 27.11.2019 for the post of Lectures in Government Polytechnic Colleges and Special Institutions (Engineering/Non Engineering) Service for the years 2017 and 2018 for the vacancy of 1060 posts.



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(ii).The petitioners applied for the post of Post Graduate Assistants/Physical Education Directors, Grade – I and Computer Instructor Grade I through online and they were assigned with Roll numbers by the second respondent, in response to their application. They attended online examination on 16.02.2022 and scored promising scores in the said examination. After publication of results on 28.08.2022, the petitioners and other selected candidates were called for Certificate Verification in the ratio of 1:2, as per the provisional selection list. Unfortunately, they were not included in the final selected candidates list.

(iii).While so, the second respondent had also published the results pertaining to the selection process for the post of Lectures in Government Polytechnic Colleges, which they have notified on 27.11.2019. Among the number of candidates who were selected in the selection process, vide Notification No.1 of 2021, the several common candidates have also attended Selection process conducted by the second respondent, vide Notification No.14 of 2019 and were selected. Since the scale of pay was higher for the post of Lectures in Government Polytechnic Colleges, many candidates, who were finally selected in the selection process, vide Notification No.1 of 2021, dated



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09.09.2021, without joining in the post of Post Graduate Assistants/Physical Education Directors, Grade – I, joined in the post of Lectures in Government Polytechnic Colleges. Though many of the selected candidates preferred to opt for joining the post under Notification No.14 of 2019, those vacancies remaining unfilled due to option exercised by the selected candidates to join the post of Lecturers in Government Polytechnic Colleges were not notified by the second respondent, as far as the selection process, vide Notification No.1 of 2019 is concerned. Hence, this writ petition came to be filed by the petitioners, seeking to direct the second respondent to operate the waiting list/reserve list for Notification No.1 of 2021 and 01C of 2022, dated 09.09.2021 and 03.08.2022, respectively.

5.The second respondent has filed a counter stating that the details as to the candidates, who have joined duty as Lectures in Government Polytechnic Colleges abandoning the post called for vide Notification Nos.1 of 2021 and 01C of 2022 has not been furnished to them by the appointing authority so far.



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6.The learned counsel for the third respondent on the direction of this Court furnished the list of candidates, who have joined as Lectures in the Government Polytechnic Colleges.

7.On receipt of the same, the learned counsel for the second respondent submitted that the second respondent is under the process of working out to issue a fresh provisional list of the candidates in a short span.

8.In view of the said submission, this Court hereby direct the second respondent to revise the provisional list / reserve list for Notification Nos.1/2021, dated 09.09.2021 and Notification No.01C/2022, dated 03.08.2022 in accordance with Section 27 of Tamil Nadu Government servants (Conditions of Service) Act for Post Graduate Assistants / Physical Education Directors Grade - I and Computer Instructor Grade – I, within a period of four (4) weeks, from the date of receipt of a copy of this order.



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9. Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are allowed.

01.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Principal Secretary to Government,
School Education Department,
Government of Tamil Nadu, Secretariat,
St.George Fort, Chennai - 600 009.
2. The Chairman,
Teachers Recruitment Board, 4th Floor,
EVK Sampath Maaligai, DPI Campus,
College Road, Chennai - 600 006.
3. The Commissioner,
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L.VICTORIA GOWRI, J.

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