



W.P(MD)No.2592 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.2592 of 2017
and
W.M.P(MD)No.2158 of 2017

T.Kalayarasi

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 09.

2.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai -06.

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Rc.No.8758/PG/2014 dated 09.12.2014 on the file of the second respondent and quash the same as illegal and consequently to direct the second respondent to provide appointment to the post of Graduate Assistant in Economics under Persons



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Studied under Tamil Medium (PSTM) Category by holding that non-inclusion of the petitioner in the new select list of candidates is illegal.

For Petitioner : Mr. G.Karthik
For R-1 : Mr.V.Nirmal Kumar,
Government Advocate
For R-2 : Mr.VR.Shanmuganathan

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned Standing Counsel for the second respondent and perused the records.

2. The case of the petitioner is that the petitioner submitted an application for written examination for the Post of Post Graduate Assistant/Physical Education Directors Grade-I pursuant to the notification, dated 09.05.2013, issued by the second respondent. She appeared for the written examination and she secured 97 marks. Thereafter, she was called for certificate verification under General Women Tamil Medium Category (PSTM category) on 04.08.2012. The said certificate verification for PSTM Category was adjourned. Again on 27.05.2013, the certificate verification was conducted. As the petitioner failed to produce Tamil Medium



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Certificate for B.Ed., degree course, her result was withheld. Subsequently, the petitioner approached the Tamil Nadu Teacher Education University and obtained Medium of Instruction Certificate. Subsequently, the petitioner submitted several representations to the second respondent, but she did not get any response. Therefore, she filed a writ petition in W.P(MD)No.10332 of 2014. The said writ petition was disposed of on 11.09.2014, directing the second respondent to dispose of the representation of the petitioner, dated 28.05.2014. Pursuant to said order, the second respondent has passed the impugned order, dated 09.12.2014, rejecting the request of the petitioner on the ground that the selection process was already over. Aggrieved by the same, the present writ petition is filed.

3. On behalf of the second respondent, a counter affidavit has been filed. In the counter affidavit, it is averred that the petitioner was called for certificate verification on 04.08.2012 and at the time of certificate verification, she did not produce the B.Ed., certificate from the competent authority to the effect that she studied the degree course in Tamil Medium. However, the Board conducted certificate verification for the second time for those candidates, who applied under Tamil Medium, on 27.05.2013 for the subject Economics. After verification, the merit list was prepared from the eligible



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candidates, who studied P.G., and B.E., degree courses in Tamil Medium and final selection list of candidates were published by the second respondent on 03.02.2014. The petitioner has furnished certificate of B.Ed., degree course in Tamil Medium, only on 27.05.2014. As such, the petitioner's case is not considered.

4. The learned counsel for the petitioner submits that this Court by order, dated 11.09.2014 in W.P(MD)No.10332 of 2014, directed the second respondent to consider and dispose of the representation submitted by the petitioner on 28.05.2014, in the light of the order, dated 27.11.2013 in W.P(MD)No.17802 of 2013, which was confirmed by the Division Bench of this Court in *A.Akila and Others vs. P.Mariammal and others*, reported in 2014(2) CWC 251, within a period of six weeks.

5. The learned counsel for the petitioner further submits that the second respondent rejected the representation of the petitioner without considering the order, dated 27.11.2013 in W.P(MD)No.17802 of 2013 and the judgment of the Division Bench in A.Akila's case (supra). As such, the impugned order is unsustainable and sought to allow the writ petition.



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6. The learned Standing Counsel appearing for the second respondent would submit that the second respondent will consider only the certificate produced at the time of certificate verification. As the petitioner did not produce the certificate of B.Ed., degree in Tamil Medium at the time of certificate verification held on 04.08.2012 and 27.05.2013, she is entitled for the relief sought for in the writ petition.

7. The learned Standing Counsel further submits that the judgments referred to in the order in W.P(MD)No.10332 of 2014 are also considered by the second respondent and recorded a finding in the impugned order stating that the judgments referred to cannot be made applicable to the case of the petitioner and as such, the contention of the petitioner, is wrong on the aspect that the rejection order is passed without considering the judgments referred to.

8. Having regard to the submissions of the respective counsels and upon perusal of the materials available on record, it is an admitted fact that the petitioner did not produce the relevant certificate of B.Ed., degree course in Tamil Medium, in the certificate verification held on 04.08.2012 and 27.05.2013. She produced that certificate only on 27.05.2014 after the publication of results.



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9. It appears that the second respondent has completed the selection process for that relevant period and also conducted subsequent selection for the year 2012-2013 and they issued notification for the year 2013-2014 also. The petitioner herself is responsible for non-production of the relevant certificate at the time of certificate verification. Under these circumstances, it appears that the petitioner's claim is rejected by the second respondent.

10. In my considered view, there is no irregularity or illegality in passing the impugned order by the second respondent to reject the representation of the petitioner.

11. For the above mentioned reasons, this writ petition is dismissed.

12. No costs.

13. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No

PM



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To,
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The Principal Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai – 09.



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BATTU DEVANAND, J.

PM

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