



WEB COPY



W.P.Nos. 12670 of 2012 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos. 12670, 12671, 12672 & 12673 of 2012

M.Tamilselvan	...Petitioner in W.P.No.12670 of 2012
R.Senthil Kumar	...Petitioner in W.P.No.12671 of 2012
V.Senthil	...Petitioner in W.P.No.12672 of 2012
R.Nakkeeran	...Petitioner in W.P.No.12673 of 2012

Vs.

1.State of Tamil Nadu,
Rep. by Secretary to Government School Education,
(62) Department,
St.Fort George, Chennai - 600 009.

2.The Chief Educational Officer,
Ariyalur, Ariyalur District.

3.P.Sekar ... Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of declaration, declaring that the



W.P.Nos. 12670 of 2012 etc., batch

selections and appointment of Physical Educational Teachers by the 2nd respondent in Ariyalur District for the year 2010-11 and appointment made on 12.03.2012 as illegal and consequently, direct the 2nd respondent to appoint the petitioners as Physical Educational Teachers.

For Petitioners : Mr.V.Sivaraman for Mr.K.Balu
in all Writ Petitions

For Respondents : Mrs.E.Ranganayaki
Additional Government Pleader
for R1 & R2 in all Writ Petitions
R3 - died in all Writ Petitions

COMMON ORDER

Since the issues raised in all the above Writ Petitions are common, the Writ Petitions are heard together and disposed of with the common order.

2. These Writ Petitions are filed to declare that the selection and appoint of Physical Educational Teachers by the 2nd respondent in Ariyalur District in the year 2010-2011 and the appointments made on 12.03.2012 as illegal and for a consequential direction to appoint the petitioners as Physical



W.P.Nos. 12670 of 2012 etc., batch

Educational Teachers.

WEB COPY

3. Heard Mr.V.Sivaraman, learned counsel appearing for the petitioners and Mrs.E.Ranganayaki, learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

4. It is the case of the petitioners that they have completed B.A., degree course and also got themselves registered with the District Employment Exchange at Perambalur. The petitioners have also worked as Physical Educational Teachers in the Panchayat Union Middle School for sometime. While so, the 1st respondent issued G.O.Ms.No.177 dated 11.11.2011 laying down guidelines for recruitment for filling up of 16,549 part time instructors to Government schools for standard VI to VIII under the project namely, Sarva Siksha Abhiyan. The said Government order prescribed the mode of selection and the eligibility criteria.

5. As per the Government order, the applications for part time



W.P.Nos. 12670 of 2012 etc., batch

Teachers are called through dailies, media by making wide publicity and also calling for candidates from the Employment Exchange. The salary of the part time instructors was fixed as Rs.5,000/- per month and selection of the candidates to be made based on interview conducted by the Committee.

6. The Government Order further prescribes that a preference will be given to the higher qualified candidates possessing a degree. Based on the advertisements issued, the petitioners have applied to the post. Thereafter, by letter dated 27.12.2011, the petitioners were called for certificate verification on 02.01.2012 at Government Boys Higher Secondary School, Ariyalur and they have attended and the certificates were verified. There were no further communication and only later, the petitioners came to know that the 2nd respondent has issued appointment orders on 12.03.2012 to the selected candidates and one such selected candidate is the 3rd respondent herein. In such circumstance, the petitioners preferred the above writ petitions to declare that the selection and appointments to the Physical Educational Teachers in the year 2010-2011 by the 2nd respondent is illegal and for consequential direction.

7. The learned counsel appearing for the petitioners mainly contended



W.P.Nos. 12670 of 2012 etc., batch

that the preference as given in the Government Order has not been provided to the petitioners as they all possess the degree and it is his further contention that though the letter dated 27.12.2011 addressed to the petitioners was only for a certificate verification to be conducted on 02.01.2012, the same cannot be taken to be an interview and any selection made by the 2nd respondent to the posts of Physical Educational Teachers without conducting a proper interview would not be valid and therefore, the entire selection is not in a manner as covered under the Government Order issued and sought for indulgence of this Court.

8. The learned Additional Government Pleader appearing for the respondents referring on the counter affidavit contended that pursuant to the applications made, the Committee had called for all the candidates including the petitioners and after verifying the certificates, the interview were conducted and also the marks were awarded under each category. Only since the petitioners' marks were low and they were not successful in the selection conducted, the appointments have not been made in favour of the petitioners. After the appointments have been made in favour of the selected candidates, the petitioners have come up with the present Writ Petitions and



W.P.Nos. 12670 of 2012 etc., batch

there has been no procedural irregularities or violations in the manner of selection and sought for dismissal of the Writ Petition.

9. Based on the G.O.Ms.No.177 dated 11.11.2011 issued by the 1st respondent laying down the guidelines for recruitment for filling up the 16,549 part time instructors to the Government Schools for standard VI to VIII under the Sarva Siksha Abiyan project, the suitable candidates were called for from the Employment Exchange. The eligible candidates suitable for appointment to the said post were forwarded by the Employment Exchange to the 2nd respondent and the letters calling for the candidates for certificate verification were duly sent to all the eligible candidates.

10. It is the main contention of the Writ Petitioners that they had not been interviewed by the Committee and therefore, any selection made without conducting a proper interview cannot be justified. In this aspect, the respondents have filed a detailed counter affidavit to the effect that the District Level Committee had called for the petitioners vide letter dated 27.12.2011 for the certificate verification on 02.01.2012, for which, the petitioners have attended and the selection committee had also conducted the



W.P.Nos. 12670 of 2012 etc., batch

interview for all the candidates including the petitioners. The marks awarded to the petitioners under each category had also been in detail, furnished and informed as the marks obtained by the petitioners were low, they could not reach the zone of consideration when the selected candidates were found meritorious. Para 5 & 6 of the counter affidavit has extracted herein for reference:-

"5. It is respectfully submitted that, based on the above conditions, the District Level Committee has called for the petitioners were called upon by letter dated 27.12.2011 to attend for certificate verification on 02.01.2012. The petitioners have also attended for certificate verification on the date specified.

6. It is mostly respectfully submitted that the contention of the petitioners in para 6 of the affidavit cannot be taken up for consideration. Though the petitioners have mentioned their qualifications and even worked as Physical Education Teachers in various schools, they cannot be treated as fully eligible, for the part time post of Physical Education Teachers unless untill selected by the Selection Committee. The petitioners have secured very low marks at the time of interview conducted by the said Committee. Hence, they were not selected by the selection committee. The marks obtained



W.P.Nos. 12670 of 2012 etc., batch

by the petitioners are furnished here under:

WEB COPY MARKS AWARDED BY THE SELECTION COMMITTEE

<i>Sl.No</i>	<i>Name of Petitioner</i>	<i>Experience</i>	<i>Employment Seniority</i>	<i>Qualification</i>	<i>Subject</i>	<i>General Knowledge</i>	<i>Total</i>
1.	Tamilselvan	5	4	2	2	1	14
2.	Senthilkumar	2	4	2	3	1	12
3.	Senthil	4	3	2	2	1	12
4.	Nakkeeran	0	4	4	2	1	11

11. All the eligible candidates were called for attending the certificate verification and interview by letter date 27.12.2011. The contention of the learned counsel appearing for the petitioner that since the letter sent to them only mentioned as certificate verification, the interview conducted by the Committee cannot be construed to be proper, cannot have any force and be accepted, for the simple reason that when all the candidates have been called for certificate verification and interview have been conducted, admittedly, where the petitioners also participated and in the interview, marks have been awarded to the petitioners under five separate categories and having considered the marks obtained by the petitioners since was very low, they have not been selected by the Committee.



W.P.Nos. 12670 of 2012 etc., batch

WEB COPY

12. More over, in the Writ Petition, the 3rd respondent had been made as a party and a prayer has been sought for to appoint the petitioners as Physical Educational Teachers. From the counter affidavit filed by the respondents, it could be seen that the 3rd respondent was actually working as a part time Art instructor in Panchayat Union Middle School at Kasankottai Village, Udayarpalayam Taluk, Ariyalur District. When the 3rd respondent is appointed as an Art Instructor, the petitioners have added the 3rd respondent as a party to the Writ Petition and is seeking for a prayer to appoint the petitioners as Physical Educational Teachers without making the suitable persons as party respondents, who according to the petitioners are all the uneligible candidates who had been given a preferential treatment in the place of the petitioners.

13. When the selection has been made based on the list forwarded by the Employment Exchange and the Section Committee, by resolution dated 02.01.2012 has made the selection purely on merit basis and not based on the seniority registered in the Employment Exchange, the prayer sought for by the petitioners that they should be selected and appointed as Physical



W.P.Nos. 12670 of 2012 etc., batch

Educational Teachers when they have admittedly not got sufficient marks in the interview before the Committee, cannot be sustained.

14. In view of the above, the prayer sought for in the Writ Petitions cannot be granted and accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions, if any, are closed. It is needless to say, it is open to the petitioners to apply as and when such call is made by the respondents for any future selection and it will be considered by the respondents on their own merits and eligibility.

18.10.2024

kkn

Internet : Yes/No

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



W.P.Nos. 12670 of 2012 etc., batch

To

WEB COPY

1. The Secretary to Government School Education,
(62) Department,
St.Fort George, Chennai - 600 009.
2. The Chief Educational Officer,
Ariyalur, Ariyalur District.



WEB COPY



W.P.Nos. 12670 of 2012 etc., batch

G.ARUL MURUGAN, J.

KKN

W.P.Nos. 12670, 12671, 12672 & 12673 of 2012

18.10.2024