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W.P.No.22402 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.No.22402 of 2015 and
M.P.No.1 of 2015

V.Ramesh

... Petitioner

Vs.

1.The Member Secretary,
Teachers Recruitment Board,
Chennai – 600 006.

2.The Director of School Education,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1st respondent in his Proceedings Rc.No.12023/L3/2014 dated 12.02.2015 and quash the same, and direct the respondents to consider the petitioner for appointment to the post of B.T.Assistant (Mathematics) either for the selection year 2007-2008 or 2009-2010 according to employment exchange seniority and confer all the consequential benefits.



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For Petitioner : Mr.V.Sivalingam
for M/s.C.S.Associates

For Respondents : Mr.K.Sathish Kumar
Senior Counsel
for R1

Mr.P.Rajarajeswari
Government Advocate
for R2

ORDER

Challenging the rejection of his request to consider his candidature and given him an appointment order for the year 2009-2010, the petitioner has filed this writ petition.

2. The facts are as follows:-

The petitioner belongs to the backward class and passed his 10th standard in 1982, 12th standard in 1985, B.Sc., (Statistics) in 1989 and B.Ed., (Maths) in 1994. He had registered his name in the employment exchange on 16.05.1994 and was fully qualified to be appointed as B.T.Assistant (Mathematics). Candidates who had graduated in B.Sc., (Statistics) have also been considered for appointment to the post of B.T.Assistant (Mathematics).



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Since there is no difference between Mathematics and Statistics, such appointments were made up to 2006. Thereafter, the first respondent board entertained a doubt as to whether the B.Sc., (Statistics) was equivalent to B.Sc., (Mathematics) from the selection year 2009-2010. Despite this candidates who were sponsored by the employment exchange and who possessed a degree in B.Sc., (Statistics) were also called for certificate verification and were being referred by the first respondent.

3. It is the petitioner's case that he was asked to appear for certificate verification during the selection year 2007-2008 and also on 2009-2010. Number of juniors in the first respondent board were appointed as B.T.Assistant (Mathematics) and the petitioner was not given an appointment. He had made several representations. The first respondent board had referred the matter of equivalence between B.Sc., (Statistics) and B.Sc., (Mathematics) for consideration of the Government. The Government had constituted a Committee and the report was awaited. This fact was intimated to the petitioner vide communication of the first respondent dated 11.03.2011.



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4. The learned counsel for the petitioner would submit that thereafter a Committee had recommended B.Sc., (Statistics) to be equivalent to B.Sc., (Mathematics) and persons holding a degree in B.Sc., (Statistics) was permitted to be appointed as B.T.Assistant (Mathematics). Accordingly, the Government had issued G.O.Ms.No.72, Higher Education Department, dated 30.04.2013. On coming to know about the same, the petitioner had immediately made a representation requesting the respondent to consider and grant him an appointment order for the year 2009-2010, as his juniors were already appointed in the selection years 2007-2008 and 2009-2010. Since orders were not passed, the petitioner had filed a writ petition in W.P.No.1323 of 2014, this Court had directed the respondents board to consider the petitioner's representation in tune with G.O.Ms.No.72, Higher Education Department, dated 30.04.2013. Since no order was passed, the petitioner had filed Contempt Petition in C.P.No.1612 of 2015. Thereafter, he was called for certificate verification on 04.02.2015 and the first respondent had passed its order dated 12.02.2015, rejecting the petitioner's claim. Against the said order, the petitioner has filed this writ petition.



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5. The learned counsel for the petitioner would further submit that he had being eligible for appointment during the selection year 2008-2009 and thereafter on 2009-2010 and he was not granted an appointment only on the ground that there was no equivalence between B.Sc., (Statistics) and B.Sc., (Mathematics). He would submit that the respondents ought to have considered the fact that now the Committee has granted the equivalence and therefore the petitioner who is eligible should have been granted an appointment.

6. The learned Senior Counsel for the first respondent has filed a counter affidavit *inter alia* contending that the writ petition is highly belated. When the petitioner was sponsored through the employment exchange for the post of B.T.Assistant (Mathematics) for the year 2007-2008 and 2009-2010. It was found that he was ineligible, as he did not possess the relevant qualification. There was no equivalence Government Order at that point of time and the petitioner candidature has to be rejected. Subsequently, the equivalence order has been issued on 04.06.2012 and 30.04.2013. However, the petitioner has filed this Writ Petition after a lapse of nearly four years.



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8. Considering the very short tenure of service no useful purpose will be served in allowing this writ petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2024

Index : Yes / No
Internet : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation : Yes / No
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P.T.ASHA, J.

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