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W.A.Nos.1851 and 1860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.Nos.1851 and 1860 of 2023 and
C.M.P.Nos.16189 & 16240 of 2023

W.A.No.1851 of 2023

The Teachers Recruitment Board,
Rep. by its Secretary,
Puratchithalaivar Dr.MGR Centenary Building,
College Road, DPI Campus,
Chennai-600 006.

... Appellant/2nd Respondent

-VS-

1. K.Gowthami ... 1st Respondent/Writ Petitioner
2. Director of School Education,
DPI Campus, Chennai. ... 2nd Respondent/1st Respondent
3. Kalaeswari ... 3rd Respondent/3rd Respondent
4. S.Kumaravel ... 4th Respondent/4th Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal and set aside the order dated 01.12.2022 made in W.P.No.26637 of 2022 and batch on the file of this Court.

For Appellant : Mr.R.Neelakandan
Addl. Advocate General
Assisted by Mr.K.Sathish Kumar



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For R1 : Mrs.Dakshyani Reddy, Senior Counsel
For Ms.Suneetha
For R2 : Mr.J.C.Durairaj, Addl. Govt. Pleader
For R3 & R4 : Mr.P.Magesh

W.A.No.1860 of 2023

The Teachers Recruitment Board,
Rep. by its Secretary,
Puratchithalaivar Dr.MGR Centenary Building,
College Road, DPI Campus,
Chennai-600 006.

... Appellant/Petitioner

-VS-

1. S.Thenmozhi

2. Director of School Education,
DPI Campus, Chennai.

3. S.Muthulakshmi

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow this Writ Appeal and set aside the order dated 01.12.2022 made in W.P.No.26645 of 2022 and batch on the file of this Court.

For Appellant : Mr.R.Neelakandan
Addl. Advocate General
Assisted by Mr.K.Sathish Kumar
For R1 : Mrs.Dakshyani Reddy, Senior Counsel
For Ms.Suneetha
For R2 : Mr.J.C.Durairaj, Addl. Govt. Pleader

COMMON JUDGMENT

(By D.Krishnakumar,J.)

The issue involved in both the Writ Appeals is one and the same and therefore, they are taken up together for final disposal.



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2. For the sake of convenience, the facts put forth by the Writ Petitioner in

W.P.No.26637 of 2022 are being taken up for appraisal as under:

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i) The Writ Petitioner, pursuant to the Notification dated 09.09.2021, had applied for the post of P.G.Assistant (Mathematics), as she had completed M.Sc. and B.Ed. and at the time of applying for the post, she had the Scheduled Caste community certificate both in the name of her father and after marriage, in the name of her husband;

ii) Though she had secured 102.60566 marks, her name did not find place in the provisional list and on enquiry, it was informed that she had uploaded the community certificate with husband's name and not with her father's name. On account of such a small mistake, she was deprived of Government employment, which forced her to file Writ Petition, challenging the provisional list.

iii) Learned Single Judge, vide common order dated 01.12.2022, impugned herein, allowed the batch of Writ Petitions with a direction to issue appointment orders to the Writ Petitioners.

3. When these matters are taken up today, learned Senior Counsel appearing for the Writ Petitioners stated that the issue is no more *res integra*, as a



Division Bench of this Court, in an identical issue in W.A.No.148 of 2024 decided on 01.04.2024, while referring to the previous judgments of this Court and the law laid down by the Supreme Court, considered the issue elaborately in respect of community certificate and held in favour of the candidates, who applied for the post, stating that the candidature of the applicants cannot be rejected by sheer technicalities. It is further contended that since the Writ Petitioners stand in a similar footing, the same benefits should be extended to them in terms of the judgment (supra).

4. Learned Additional Advocate General for the appellant has not refuted the contention made by the learned Senior Counsel for the Writ Petitioners.

5. In view of the above, we are of the view that the instant Writ Appeals lack merits acceptance and are liable to be dismissed, based on the judgment referred to by the Writ Petitioners.

6. In fine, these Writ Appeals are dismissed as devoid of merits. The Appellant is directed to consider the candidature of the Writ Petitioners for selection to the post of P.G.Assistant, based on the community certificate produced at the time of certificate verification, if they are otherwise eligible, and pass appropriate orders in



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respect of issuance of appointment orders to them within a period of two weeks from the date of receipt of a copy of this judgment. No costs. Consequently, connected

Miscellaneous Petitions are closed.

[D.K.K., J.,]

[K.B., J]

08.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order
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To:

The Director of School Education,
DPI Campus,
Chennai.



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