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W.P.No.13561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13561 of 2024

P.Vetrivel

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Petitioner

Vs.

1. The State of Tamil Nadu

Rep. by its Principal Secretary to Government
Higher Education Department
Fort St. George, Chennai – 600 009.

2. Teachers Recruitment Board

4th Floor, DPI Campus
College Road, Chennai – 600 006.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents to consider the petitioner's application for the post of Assistant Professor pursuant to the recruitment notification No.02/2024 dated 14.03.2023 and addendum notification No.02-A/2024 dated 27.04.2024 issued by the second respondent.

For the Petitioner : Mrs.N.Kavitha Rameshwar

For the Respondents : Mr.R.Neelakannan
Additional Advocate General
assisted by Mr.R.Kumaravel



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ORDER

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The prayer in the present writ petition is to direct the respondents to consider the petitioner's application for the post of Assistant Professor, pursuant to the recruitment notification dated 14.03.2024 and the addendum notification dated 27.04.2024.

2. This is the second round of writ petition filed by the petitioner.

3. The petitioner, earlier filed a writ petition bearing W.P.No.8766 of 2024 on the ground that the petitioner has already cleared the National Eligibility Test. The petitioner is pursuing final year in M.A. Degree (Tamil). He is all set to write the examination this month. Therefore, once he passes the M.A. Degree, he will be qualified even before the date of written examination, but, however, since as per the notification, he missed the post by whisker as he did not possess the essential qualification as on the date of the original notification i.e., 29.04.2024.



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4. The petitioner filed a writ petition earlier and the said writ petition was dismissed by this Court and relevant portion of the said judgment reads as under:

"5. Any notification for direct recruitment has to contain the last date for submission of applications and also the date on which the candidates should possess the requisite qualification. Fixing of such date is bound to cause hardship to the candidates, who will be possessing the said qualification shortly thereafter. There will also be candidates, who will be missing out on account of age, etc. because the notification being a few days later, such heartburns are bound to occur, but the same cannot be taken as legal grounds to interfere with the notification and the recruitment process."

5. After the said judgment was delivered, the respondents issued another addendum notification. By the said addendum notification, the respondents have done two alterations to their notification. They have now relaxed the requirement of passing the eligibility test, because the Tamil Nadu State Eligibility Test was not conducted for a while and since this test is to be conducted in the near future, they have extended the date of passing the Tamil Nadu State Eligibility Test to 04.08.2024. The same is also an essential qualification and they have



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extended the time for the said post. As far as the other essential qualifications are concerned, which includes the passing of Post Graduate Degree, they have again extended the time to on or before 15.05.2024.

6. The petitioner again misses the time. The respondents themselves have chosen to relax the original notification and extended the time considering the fact that the written examination is going to be conducted in the month of August and between the last date of submitting applications and before the written examination, many candidates like the petitioner will be passing out their Post Graduate Degree examination and since the petitioner is also suffering, the petitioner has made a representation dated 29.04.2024 by way of an e-mail.

7. Therefore, *Mrs. N.Kavitha Rameshwar*, learned counsel for the petitioner states that the respondents may be directed to consider the said representation made by the petitioner and consider the question of relaxation of passing the M.A. Degree also up to 04.08.2024.



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8. *Mr.R.Neelakandan*, learned Additional Advocate General, appearing on behalf of the respondents, would submit that as far as the Rule position is concerned, the candidates should possess the essential educational qualification as on the date of the notification. As a matter of fact, the said requirement was challenged by another candidate in W.P.(MD) No.11104 of 2024 on the selfsame ground that she is shortly going to pass the Post Graduate Degree and by order dated 08.05.2024, this Court dismissed the said writ petition. Therefore, he would submit that the petitioner is not eligible.

9. I have considered the rival submissions made on either side and perused the material records of the case.

10. There cannot be any quarrel over the proposition that the candidates should possess the eligibility qualification as on the date of the notification and merely because the notification date causes prejudice to the candidates, the same cannot be held to be illegal. But, however, in this case, as pointed out by learned counsel for the petitioner, it is the respondents themselves who have relaxed the qualifications and also extended the dates. The matter of relaxation or



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extension of date is fully within the domain of the respondents.

Considering the public interest and the grievance of the petitioner, it is for the respondents to consider the relaxation or to grant any extension of time if they choose to do so.

11. In that view of the matter, this writ petition is disposed of on the following terms.

(i) the respondents shall consider the request of the petitioner made by representation dated 29.04.2024 to relax the last date of obtaining the Post Graduate Degree qualification by 04.08.2024 on its own merits and in accordance with their law and policy within a period of four (4) weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, W.M.P.No.14714 of 2024 is also closed.

06.06.2024

Index : Yes/No



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D.BHARATHA CHAKRAVARTHY,J.

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