



WEB COPY

W.A.No.1862 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Appeal No.1862 of 2021
and
C.M.P.No.11859 of 2021

1. The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Maligai, 4th floor,
DPI Compound,
College Road,
Chennai - 600 006.
2. The Teachers Recruitment Board,
Rep by its Member Secretary,
E.V.K.Sampath Maligai, 4th floor,
D.P.I. Compound,
College Road,
Chennai - 600 006.
3. The Director,
Directorate of School Education,
D.P.I. Compound,
College Road,
Chennai - 600 006.

... Appellants

Vs.

S.Jayalakshmi

... Respondent



W.A.No.1862 of 2021

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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 18.02.2021 passed in W.P.No.18023 of 2019.

For Appellants : Mr.R.Neelakandan
Additional Advocate General
Assisted by
Mr.K.Sathishkumar

For Respondent : Mr.R.Govindaraj

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The intra-court appeal on hand has been instituted questioning the validity of the writ order dated 18.02.2021 passed in W.P.No.18023 of 2019.

2. The respondents in the writ petition is the appellants before us. The respondent participated in the process of Selection for appointment to the post of P.G. Assistant (Economics) in Education Department. The selection



W.A.No.1862 of 2021

was of the year 2012-13 notified by the Teachers' Recruitment Board. The respondent states that she had submitted an application to avail the benefit under PSTM quota. However, her case was not considered under PSTM quota. Thus, she filed W.P.No.31294 of 2013 and the writ petition was allowed by this Court on 29.08.2017 and a direction was issued to the respondents therein, to include the name of the petitioner in the provisional list for certification verification for the post of P.G. Assistant (Economics). After certificate verification, if she is found to be eligible for appointment, the respondent authorities are directed to select and appoint the petitioner to the post of P.G. Assistant (Economics) on merits and in accordance with law.

3. Therefore, in the original writ petitions the High Court has not issued any positive direction to appoint the respondent. The direction was issued to conduct certificate verification and if she is found to be eligible for selection, then her case should be considered for selection and appointment. Therefore, the order is to conduct certificate verification and find out whether the respondent was eligible for selection and appointment or not.



W.A.No.1862 of 2021

4. The said writ order was taken by way of writ appeal in W.A.No.611 of 2019. The writ appeal filed by the Teachers Recruitment Board and Directorate of School Education was dismissed as infructuous taking into account the subsequent events. The Division Bench of this Court disposed of the writ petition as infructuous mainly on the ground that the Teachers Recruitment Board called the respondent for Certificate Verification. Further, the writ court held that if the respondent is found eligible, then alone she must be selected. Thus, the Division Bench found that no further consideration is required in the writ appeal, since the process of certificate verification was completed as per the directions issued by the writ court. Thereafter, the respondent herein filed a contempt petition, which was also closed. The Teachers Recruitment Board passed an order in proceedings dated 04.01.2019 assigning reasons for non-selection of the respondent.

5. Challenging the said order, the respondent herein filed W.P.No.18023 of 2019 and the said writ petition was disposed of with a direction to consider the case of the petitioner in accordance with Rules/Regulations/Guidelines. The impugned order in the writ petition in W.P.No.18023 of 2019 would reveal that the petitioner belongs to Backward



W.A.No.1862 of 2021

Class community. The petitioner has not secured eligible cut-off marks as applicable to Backward Class community. She was originally not called for certificate verification. Pursuant to the order passed in W.P.No.31294 of 2013, she was called for certificate verification under the category of persons under Tamil Medium quota for the subject Economics. The respondent produced the certificates and the Teachers Recruitment Board found that the petitioner has shaded in her application form (OMR sheet) the medium as "English". On the date of certificate verification, the respondent did not produced certificate of having studied M.A. (Economics) in Tamil Medium issued by the competent Authority.

6. Two aspects considered by the Teachers Recruitment Board would reveal that the respondent has shaded in her application form (OMR sheet) the medium as "English". Therefore, she is not eligible to avail the benefit under the Tamil Medium quota. Secondly, during certificate verification conducted pursuant to the order passed in W.P.No.31294 of 2013, the respondent herein failed to produce the certificate of having studied M.A.(Economics) in Tamil medium from the competent Authority in the prescribed format. The said reasons assigned by the Teacher Recruitment



W.A.No.1862 of 2021

Board was challenged in W.P.No.18023 of 2019. The writ court has directed the respondents therein to consider the case of the writ petitioner. Aggrieved from and out of the said writ order, the present writ appeal has been instituted by the Teachers Recruitment Board.

7. Admittedly, the selection was of the year 2012-13 for selection and appointment to the post of P.G. Assistant (Economics). The respondent herein has not applied under the PSTM quota, since in the form she has shaded the medium of instruction as "English". Even during certificate verification conducted pursuant to the directions issued by the writ court in the first writ petition, the respondent has failed to produce the PSTM Certificate as prescribed by the Board for the qualification of M.A. (Economics).

8. Therefore, we find no infirmity in respect of the actions initiated by the Teachers Recruitment Board. The writ court has not issued any positive directions to select the respondent. But the writ court has directed the Authority to consider the case of the writ petitioner on merits. Such directions would not confer any right to secure selection and appointment. The reasons assigned by the Teachers Recruitment Board in proceedings



W.A.No.1862 of 2021

dated 04.01.2019 is candid and convincing and no interference is called for.

Therefore, we are inclined to interfere with the writ order. Consequently, the order passed in W.P.No.18023 of 2019 is set aside and the Writ Appeal stands **allowed**. No costs. Connected M.P. is closed.

[S.M.S.,J.] [C.K.,J.]

18.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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