



W.P.No.14611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

WEB COPY

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.14611 of 2024

and

W.M.P.No.15888 of 2024

P.Geetha

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its, Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 600 009.

2. Teachers Recruitment Board,
Represented by its, Secretary,
3rd and 4th Floor, Puratchi Thalaivar,
Dr.MGR Centenary Building,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai – 600 006.

3. Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.

... Respondents



W.P.No.14611 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 2nd respondent to call the petitioner for certificate verification for the post of BT Assistant in Social Science (Geography) pursuant to Notification.No.03/2023 dated 25.10.2023 by following the principles of natural justice to explain the bonafide mistake committed by the petitioner in the application for appearing in the competitive examination conducted by the 2nd respondent pursuant to G.O.Ms.No.149, School Education (TRB) Department dated 20.07.2018 in the community column and prove that she belongs to Backward Community and consequently based on the 72 marks secured by the petitioner in the TNTET – Paper II and direct the 2nd and 3rd respondents to select and appoint the petitioner for the post of BT Assistant in Social Science (Geography) under the BC category in any one of the Government Middle or High Schools.

For Petitioner : Mrs.Nalini Chidambaram
for M/s.C.Uma

For Respondents : Mr.R.Neelakandan
Additional Advocate General-VIII
assisted by
Mr.R.Siddharth
Government Advocate (R2)
Mr.M.Rajendran
Additional Government Pleader(R1&R3)



W.P.No.14611 of 2024

ORDER

WEB COPY

The writ petition has been filed for a Mandamus to direct the 2nd respondent to call the petitioner for certificate verification for the post of BT Assistant in Social Science (Geography) pursuant to Notification.No.03/2023 dated 25.10.2023 by following the principles of natural justice to explain the bonafide mistake committed by the petitioner in the application for appearing in the competitive examination conducted by the 2nd respondent pursuant to G.O.Ms.No.149, School Education (TRB) Department dated 20.07.2018 in the community column and prove that she belongs to Backward Community and consequently based on the 72 marks secured by the petitioner in the TNTET – Paper II and direct the 2nd and 3rd respondents to select and appoint the petitioner for the post of BT Assistant in Social Science (Geography) under the BC category in any one of the Government Middle or High Schools.

2. The petitioner completed her UG (Undergraduate) Course in Geography and has also completed B.Ed. (Bachelor of Education). Further, the petitioner has also passed TET (Teacher Eligibility Test). While



W.P.No.14611 of 2024

so, by a Notification dated 25.10.2023 bearing reference:- Notification No.03/2023, applications were invited for the Post of B.T.Assistant under the 1st respondent through the 2nd respondent, Teachers Recruitment Board. The last date for submitting the application form through Online was on 30.11.2023.

3. Considering the difficulties experienced by the various candidates for filling out the fields in the application form through Online due to oversight or by mistake of their finger by clicking wrong fields, a Public Notice was also issued by the 2nd respondent on 27.11.2023 to verify and edit the fields which was incorrectly marked by the candidates while submitting the application through Online.

4. In the instant case, the petitioner had erroneously marked her Category field as a General Category instead of Backward Class Category. However, she did not verify the same and did not avail the edit option issued by the 2nd respondent on 27.11.2023. She attended the Written Examination and has secured 69 Marks and if the Weightage Mark for TET (Teacher Eligibility Test) is to be added, she will get a total of 72 (69+3) Marks and



W.P.No.14611 of 2024

thereby she would be eligible for consideration.

WEB COPY

5. Mrs.Nalini Chidambaram, learned Senior Counsel appearing on behalf of the petitioner would submit that the same is *bonafide* mistake on the part of the petitioner. There can be no doubt whatsoever the petitioner belongs to Backward Class Category. She would further submit that the petitioner has duly produced the Community Certificate issued to the petitioner. Therefore, she would submit that since the error on the part of the petitioner is only procedural in nature and since the petitioner is a qualified candidate, one opportunity may be given for the petitioner to attend the Certificate Verification.

6. Per contra, Mr.R.Neelakandan, learned Additional Advocate General VIII appearing on behalf of the respondents would submit that considering the grievances expressed by the various candidates and considering the possibility of marking wrong fields while submitting the applications through Online, an opportunity was again granted to the candidates vide Public Notice dated 27.11.2023 to avail the edit option. Nevertheless, the petitioner failed to avail the opportunity and undertook the examinations under the General Category Candidate. Now, all of a sudden



W.P.No.14611 of 2024

she cannot pray that she may be treated as a Backward Class Category.

WEB COPY

7. The learned Additional Advocate General VIII appearing on behalf of the respondents has produced a copy of the Notice dated 04.06.2024 bearing reference: RC.No.1461/L-S1/2024, wherein it has been stated that the cut off marks in respect of the General Category to the post of B.T.Assistant (Geography) is 86 Marks and the cut off marks in respect of the Backward Class Category to the post of B.T.Assistant (Geography) is 72 Marks.

8. The learned Additional Advocate General VIII appearing on behalf of the respondents would further submit that the petitioner had appeared in the Written Examination and has secured 69 Marks and the petitioner would be eligible for another three marks for the Weightage given for TET, i.e., 72 (69+3) Marks.

9. By way of rejoinder, the learned Senior Counsel for the petitioner would draw attention to the Order passed by the Hon'ble Division Bench of this Court in W.A.No.682 of 2023 and etc., dated 20.11.2023.



W.P.No.14611 of 2024

WEB COPY 10. I have considered the rival submissions made on either sides and I have perused the materials available on record.

11. There is no doubt that the error is on the part of the petitioner but still the question is that if the petitioner lacks essential qualification on the notified date of the application then the Court would only go by the last date mentioned in the Notification strictly and no extension of time would be granted to the petitioner.

12. *Per contra*, if the same is only procedural in nature and considering the extraordinary circumstances pleaded and the relative hardship faced by the respondents, that is, the stage is only certificate verification which is under process, this Court considers that one opportunity can be granted to the petitioner to convince the respondents that she belongs to the Backward Class Category by presenting herself for certificate verification before the respondents and if the respondents are satisfied that the petitioner belongs to a Backward Class Category, they can consider her in the said Category.



W.P.No.14611 of 2024

WEB COPY 13. The Court comes to the rescue of the petitioner only in exceptional cases. Therefore, considering the above exceptional case and circumstances and since the petitioner has obtained the eligible cut off marks i.e., 72 (69+3) Marks and the petitioner does possess a Backward Class Community Certificate and it is a sheer error committed by the petitioner while filling the application through Online and not verifying the same by not availing the opportunity to edit, this Court comes to the rescue of the petitioner in the instant of the case.

14. In the result, the writ petition stands allowed with the following directions:-

- i. Irrespective of the fact that the petitioner did not mention herself as a Backward Class Community in her application pursuant to the Notification No.03/2023 dated 25.10.2023, the petitioner shall be treated as a Backward Class Candidate;
- ii. The petitioner shall present herself before the 2nd respondent on Monday i.e., on 10.07.2024 along with the Original Backward Class



W.P.No.14611 of 2024

Certificate and a copy of this Order.

- iii. Upon the petitioner presenting herself the appropriate committee of the 2nd respondent shall verify the same and if they are satisfied that the petitioner belongs to the Backward Class Community, they can consider the petitioner as a Backward Class Candidate.
- iv. If the petitioner comes within the zone of consideration, her name shall shall be included in the select list of candidates;
- v. No cost. Consequently, connected miscellaneous petition is closed.

07.06.2024

Index : Yes
Speaking Order
Neutral Citation :Yes
rgm

Note: Issue Order Copy on 07.06.2024.



WEB COPY



W.P.No.14611 of 2024

D.BHARATHA CHAKRAVARTHY, J.

rgm

To

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai – 600 009.
2. The Secretary,
Teachers Recruitment Board,
3rd and 4th Floor, Puratchi Thalaivar,
Dr.MGR Centenary Building,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai – 600 006.
3. Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.

W.P.No.14611 of 2024

and

W.M.P.No.15888 of 2024



WEB COPY



W.P.No.14611 of 2024

07.06.2024

W.P.No.14611 of 2024

D.BHARATHA CHAKRAVARTHY. J.,

Today, this matter has been listed under the caption 'for being mentioned'. It is brought to the notice of this Court that in paragraph No.14 (ii), date has been wrongly mentioned as Monday i.e., on 10.07.2024, instead of 'on or before 14.06.2024', the said correction may be carried out.

2.Registry is directed to issue a fresh order copy, after making necessary correction.

11.06.2024

Jer

Note:Registry is directed to issue order copy on 13.06.2024.