



W.P.No.15672 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15672 of 2024
and WMP.Nos.17070, 17072 & 17074 of 2024

1. K.Sampath kumar
2. K. Vengatesan
3. S. Vasantha

... Petitioners

Vs

1. The State of Tamil Nadu
Rep.by its Principal Secretary to Government
Higher Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of Collegiate Education,
Saidapet,
Chennai 600 015.
3. The Chairman
Teachers Recruitment Board,
Puratchi Thalaivar Dr.M.G.R.Centenary Building,
3rd & 4th floors, Perasiriyar
Anbazhagan Kalvi Valagam,
College Road, Chennai 600 006.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Addendum Notification No.02-A/2024 dated 27.04.2024 issued by the 3rd respondent and to quash the same in so far as permitting the candidates appearing for TNSET 2024 examination to be conducted on a future date is concerned and consequently directing the respondents to conduct selection in accordance with Clause 6-B of the Notification No.02/2024 dated 14.03.2024 issued by the 3rd respondent.

For Petitioner : Mr.G.Sankaran
Senior Counsel for
Mr.S.Nedunchezhiyan

For Respondents : Mr.R.Kumaravel
Addl. Government Pleader for R1 & R2
Mr.R.Siddharth
Government Advocate for R3

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned Addendum Notification No.02-A/2024 dated 27.04.2024 issued by the 3rd respondent and to quash the same in so far as permitting the candidates appearing for



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TNSET 2024 examination to be conducted on a future date is concerned and consequently direct the respondents to conduct selection in accordance with Clause 6-B of the Notification No.02/2024 dated 14.03.2024 issued by the 3rd respondent.

2. The case of the petitioners is that the petitioners were all qualified to be appointed for the post of Assistant Professor in the Tamil Nadu Collegiate Educational Service. While so, in respect of 4,000 vacancies, the Teachers Recruitment Board had issued a Notification No.2/2024 dated 14.03.2024. As per the original notification all the candidates should possess the essential education qualification as on the date of notification as per the Clause 6-B of the advertisement. While so, now the impugned Addendum Notification was issued on 27.04.2024. As per this impugned Addendum it seems that the TANSET examination 2024 is going to be conducted and the candidates who are going to participate in the said examination and if they clear the said examination will also be considered as qualified for appointment.



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3. Mr.G.Sankaran, learned Senior Counsel appearing for the petitioners submitted that for the purpose of direct recruitment there must be level playing field for all the candidates. The candidates are required to possess the qualification as on the particular date i.e, date of Notification which is 14.03.2024 in the instant case. For the candidates who do not possess the said qualification as on 14.03.2024 are not qualified to participate. Even as on date, Clause 6-B is not amended. Therefore, the Addendum runs counter to the original Clause 6-B. Besides it creates a dichotomy among the applicants who are not qualified and who are qualified as on the said date. According to the learned Senior Counsel the impugned Addendum is violative of Article 14 & 16 of Constitution of India and as such is liable to be set aside.

4. Per contra, the learned Government Advocate for Teachers Recruitment Board submitted that in this case it is true that the candidate should possess the qualification as on 14.03.2024 and accordingly the



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Notification was issued. After the Notification was issued, by letter dated 01.04.2024, taking into consideration that the Nodal agency for conduct of Tamil Nadu State Level Educational Test (TANSET) namely Manonmaniam Sundaranar University had also issued a Notification on 20.03.2024 for conduct of TANSET for the current year and the said examination having not been conducted and several prospective candidates were also affected, upon the direction of the Government the respondent Board had issued the Addendum. The direction was issued by letter dated 01.04.2024 pursuant to which the Addendum is issued.

5. Heard both sides and perused the materials available on record.

6. The only question to be considered is that whether or not the Addendum is violative of Article 14 & 16 of the Constitution of India. As far as the method of recruitment by way of direct recruitment is concerned, it is true that as stated by the learned Senior Counsel for the petitioner that all the candidates should possess the educational qualification and the same has been rightly fixed as the date of Notification i.e., 14.03.2024. On a



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careful perusal of the Addendum, it can be seen that the said date as such is not extended but the only exception is granted in respect of the candidates who may acquire TANSET in the examination which is shortly to be conducted on 07.07.2024 & 08.07.2024 by the Manonmaniam Sundaranar University Notification No.1/2024 dated 20.03.2024 will also be considered.

7. While no candidate as a matter of right can ask for an extension of acquisition of qualification or plead that he/she has missed the acquisition of the qualification with reference to the date of notification by a whisker, if the respondents being the employer themselves, considering the grievance of the large number of candidates, want to extend the date, it cannot be held to be manifestly arbitrary or whimsical. Especially by taking into consideration the fact that TANSET was not conducted immediately preceding the notification and it is now proposed to be conducted for the year 2024 by the Manonmaniam Sundaranar University by an advertisement dated 20.03.2024, I am unable to hold that extension of time which is



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granted for acquisition of the qualification by the candidates with reference to TANSET alone is arbitrary or discriminatory. It is within the domain of the employer to issue notification and to fix the last date for acquisition of qualification. When the same is fixed for valid reasons, this Court cannot interfere unless it finds that the same is whimsical or arbitrary.

8. In view thereof, the petitioners grievance being mere increase in competition cannot be redressed by this Court. Therefore finding no merits this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

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Neutral Citation : yes/no
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To

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2. The Director of Collegiate Education,
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D. BHARATHA CHAKRAVARTHY, J.

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