



W.P.No.17273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17273 of 2024
and W.M.P.No.19063 of 2024

A.Subramanian

...Petitioner

-Vs -

The Teachers Recruitment Board,
Rep. by its Member Secretary,
4th Floor, EVK Sampath Maligai,
DPI Compound, Chennai – 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to appoint the petitioner in the post of Block Resource Teacher Educator (BRTE) in Zoology subject in compliance with the order passed on 10.02.2021 in Contempt Petition No.1190 of 2020 which arose out of the order dated 10.04.2019 passed by this Court in W.P.No.18989 of 2011 as well as based on the order dated 06.09.2021 dismissing the W.A.No.2041 of 2021 filed by the respondent and in the event of no vacancy in the said post, the respondent be directed to create one supernumerary post to meet the special exigencies.



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For Petitioner : Mr.T.Ramasamy
For Respondent : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan
Special Government Pleader

ORDER

This writ petition has been filed for direction, directing the respondent to appoint the petitioner in the post of Block Resource Teacher Educator in Zoology subject in compliance with the order passed by this Court in Contempt Petition No.1190 of 2020 dated 10.02.2021.

2. The petitioner was selected to the post of Block Resources Teacher Educator (hereinafter referred to as “BRTE”) in Zoology by the respondent in the year 2009-2010. After selection, the petitioner was called for certificate verification. Unfortunately, the said letter was delivered to a wrong addressee by the postal department. By that time, the certificate verification was over as early as on 11.10.2010. After certificate verification, the call letter was delivered to the petitioner. Therefore, the petitioner submitted representation for his appointment. However, it was not considered as such, the petitioner filed writ petition before this Court in W.P.No.18989 of 2011 and this Court by an order dated 10.04.2019, considering the special circumstances of the case,



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directed the respondent to conduct certificate verification and on satisfying with the verification made, recommend the petitioner's name for appointment to the post of BRTE in any future vacancies. Though the certificates of the petitioner were verified, he was not appointed so far.

3. Therefore, the petitioner filed contempt petition in Cont.P.No.1190 of 2020 and in that petition, this Court recorded the submission made by the respondent that where there has been certificate verification in November 2019, where the petitioner's certificates were verified and after having satisfied with the qualification of the petitioner, which was verified through certificate verification, now by the latest communication dated 29.01.2021, the respondent has communicated that, after conducting certificate verification, the petitioner will be appointed in the future recruitment, when it is called for. Recording the said submission, this Court closed the contempt petition. Thereafter, the petitioner made several representations before the respondent and the same were not considered as such the petitioner filed present writ petition with the above prayer.

4. The learned counsel appearing for the petitioner submitted



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that subsequently, the respondent has issued notification No.03/2023 dated 25.10.2023 for direct recruitment of BRTE notifying subject wise vacancies, including the Zoology subject for which the petitioner applied. The petitioner being meritorious candidate, he prayed to direct the respondent to appoint him in the post of BRTE.

5. The learned Additional Advocate General appearing for the respondent submitted that the respondent by the notification No.03/2023 dated 25.10.2023, notified for direct recruitment to the post of Graduate Teachers/BRTE in school education and other departments included in the Special Rules for the Tamil Nadu School Educational Subordinates Service for the year 2023-24. Accordingly, in the post of BRTE in Zoology, totally 132 vacancies are there and the petitioner will be accommodated in the said vacancies. However, in view of the interim order passed by the Madurai Bench of this Court, though selected candidates' certificates were verified, they could not able to publish the selection list.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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7. Admittedly there are vacancies in the post of BRTE in Zoology subject as per the notification No.03/2023 dated 25.10.2023. Though an interim order passed by the Madurai Bench of this Court, the said order has been passed in the writ petitions filed by the candidates, who have not selected even for certificate verification. Therefore, the interim order is nothing to do with the appointment of the petitioner in the vacancies already notified by the respondent under the notification No.03/2023 dated 25.10.2023.

8. Considering the above facts and circumstances, the respondent is directed to select the petitioner to the post of BRTE in Zoology subject and send it to the user department forthwith. Thereafter, the user department is directed to issue appointment order within a period of two weeks from the date of receipt of the selection of the petitioner from the respondent.

9. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.



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Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound,
Chennai – 600 006



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G.K.ILANTHIRAIYAN. J.

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