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W.P.No.28209 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.28209 of 2014

and

M.P.No.1 of 2014

L.Renuga Devi

... Petitioner

Vs.

1.The Joint Director,
School Education Department
(Employees Division),
E.Ve.K.Samath Maligai, College Road,
Chennai 6

2.The Chief Educational Officer,
Chief Educational Office,
KSC School Compound,
Tiruppur 641 604

3.The Headmistress
Govt.Girls Higher Secondary School,
Uthukuli,
Tiruppur District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to permit the petitioner to join as Assistant Graduate teacher in 3rd respondents school on the basis of the appointment order issued by the 1st respondent in Na.Ka.No.68684/C2/E1/2014 dated 25.09.2014 and also by considering petitioner's representations dated 04.10.2014 and 07.10.2014.



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For Petitioner : Mr.R.Marudhachalamurthy
For Respondents :
(for R1 to R3) :M/s.P.Rajarajeswari, Govt. Advocate.

ORDER

The Writ Petitioner had been issued with an appointment order dated 25.09.2014 by the 1st respondent. However, the 3rd respondent school refused to permit the petitioner to join in service. Therefore, the petitioner has come forward with a writ of mandamus seeking a direction to the respondents to permit the petitioner to join the service as a Assistant Graduate Teacher in the 3rd respondent's school on the basis of the appointment order issued to her.

2. From the facts that have been set out in the affidavit it appears that the petitioner had majored in B.Sc. Bio-Technology from the Bharathiar University, where she obtained a degree in April 2000. Thereafter, she had joined Bachelor of Education course and had completed the same in June 2009. Meanwhile, in the year 2013, there was an advertisement for recruiting P.G.Assistant Teachers for which a Teacher Eligibility Test was to be conducted. The petitioner had submitted her application for this test on the basis of the advertisement. The petitioner



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had successfully cleared the said test and she had thereafter received a communication from the 1st respondent department for verifying her certificate and she was directed to appear on 06.05.2014 before Jaivai Girls Corporation Higher Secondary School, Tiruppur.

3. The petitioner would submit that she had attended the certificate verification where all her certificates were verified and she was awarded a weightage marks which had been displayed on the web site of the 1st respondent stating that she had been selected on the basis of a certificate verification. Thereafter, the 1st respondent had issued an appointment order dated 25.09.2014 and directed the petitioner to join the 3rd respondent school. She was directed to join within a period of 30 days from the date of receipt of the appointment order. However, when the petitioner attempted to join the 3rd respondent school, the 3rd respondent school refused to permit the petitioner to join the service. Therefore, the petitioner had approached the 2nd respondent who in turn had directed her to approach the 1st respondent.

4. The petitioner would submit that she did not receive any proper communication from the respondents. Therefore, a detailed representation dated 04.10.2014 had been sent by her and she had also submitted the



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8. Even as per the very counter filed by the 1st respondent, it is crystal clear that the appointment order has been passed after the certificates had been verified. Having verified the certificates and thereafter issuing the appointment order, the refusal on the part of the 3rd respondent to permit the petitioner to join in service is without any basis. The petitioner has also provided a certificate of equivalence from her university, namely, Bharathiar university wherein it has been clearly stated that the B.Sc. Bio-Technology degree course of the Bharathiar university is equivalent to Biology and the candidate was eligible to handle the Higher Secondary Biology classes. This certificate had been produced along with the representation. However, the same has not been considered by the respondents which is evident from the fact that in the counter affidavit the 1st respondent would submit that there was no equivalence order in the Bio-Technology decree.

9. It is not the case of the respondents that the petitioner has suppressed documents or that she has committed any act of fraud. On the contrary, the respondents would submit that the petitioner has submitted all her certificates and the certificates have also been verified. The details of the weightage marks has been uploaded on the web site of the 1st respondent after the verification of the certificates. A perusal of this entry of



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the weightage marks also indicates the post for which the petitioner had made her application, marks obtained by her in her under graduation, B.Ed and the TNTET. All of which would indicate that the 1st respondent was all along aware about the subjects that the petitioner has undergone and it is only after that the appointment order has been issued that the respondents have attempted to renege on their letter. The weightage marks has been uploaded in the month of August 2014 and the appointment order has been issued nearly a month later i.e. on 25.09.2014, wherein the 1st respondent has clearly stated that the petitioner had qualified and she was being appointed in the 3rd respondent school. Therefore, the refusal on the part of the respondents to give effect to the order of the 1st respondent is totally cursory and lacks a legal basis.

10. Accordingly, the writ petition is allowed and the respondents are directed to give effect to the order of the 1st respondent in Na.Ka.No.68684/C2/E1/2014 dated 25.09.2014. No costs. Consequently, the connected Miscellaneous Petition is closed.

(shr)
Index : Yes
Speaking Order
Neutral Citation : Yes

04.06.2024



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To
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P.T. ASHA. J.,

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