



WEB COPY

W.P.Nos.23034 & 23037 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.23034 & 23037 of 2021 and
W.M.P.Nos.24226 & 24228 of 2021

1.M.Selvi ... Petitioner in W.P.No.23034 of 2021
2.C.Logeswari ... Petitioner in W.P.No.23037 of 2021

Vs.

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

2.The Commissioner,
Department of School Education,
DPI Campus, Chennai 600 006.

3.Teachers Recruitment Board,
Rep by its Member Secretary,
DPI Campus, Chennai 600 006.

... Respondents in both W.Ps

Prayer in both W.Ps: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to include the names of the petitioners in the selection list for the post of Drawing Teacher under the person who studied in Tamil Medium Category in accordance with the selection list dated 13.08.2018



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and accordingly selection and appoint the petitioners to the post of Drawing Teacher on the date when the other individuals under the same notification of the 3rd respondent in Notification No.5/2017 dated 26.07.2017 were appointed, with all service and monetary benefits within a time frame to be fixed by this Court.

In both W.Ps.

For Petitioners : Ms.Suneetha
For Respondents : Mr.P.Gurunathan, AGP for R1 & R2
Mr.C.Kathiravan, SC for R3

COMMON ORDER

These Writ Petitions have been filed for the issuance of a Writ of Mandamus, to direct the third respondent to include the names of the petitioners in the selection list for the post of Drawing Teacher under the persons who studied in Tamil Medium Category in accordance with the selection list dated 13.08.2018 and accordingly selection and appoint the petitioners to the post of Drawing Teacher on the date when the other individuals under the same notification of the 3rd respondent in Notification No.5/2017 dated 26.07.2017 were appointed, with all service and monetary benefits within a time frame to be fixed by this Court.



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2. Heard Ms.Suneetha, learned counsel for the petitioners, Mr.P.Gurunathan, learned Additional Government Pleader for R1 & R2 and Mr.C.Kathiravan, learned Standing Counsel for R3.

3. In response to the notification of the third respondent Board vide Notification No.5/2017 dated 26.07.2017 calling for the application to the post of Special Teachers, the petitioners have applied for the post of Drawing Teacher. 20% horizontal reservation has been provided for the candidates who have studied in Tamil Medium and the petitioners come under the said category and they also belonged to the Most Backward Community. As there is no recognised Institute to conduct any certificate course, the individuals got trained privately and wrote the examination conducted by the Government as a private candidate. Hence the petitioners cannot produce any certificate as required. So the petitioners have submitted a reply to the Directorate of Government Examination along with their other certificates with regard to their qualification. Even though the respondents accepted the petitioners as persons who studied in Tamil Medium and selected them by including



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the petitioners at Serial Nos.244 & 245 under the category of MBC women (Tamil Medium), so far no posting order has been issued to the petitioners.

4. Some of the candidates whose names did not find place in the selection list dated 13.08.2018, have filed Writ Petitions and they were allowed and the respondents filed Writ Appeals challenging the said order of the Writ Court. The Writ Appeals were allowed confirming the selection list dated 13.08.2018 in which the petitioners' names also found place. Further, the respondents have not granted any appointment orders instead they have published a redrawn seniority by removing the names of the petitioners and in the new list, the names of the persons who have got less marks than the petitioners were found.

5. Despite in the advertisement it has been stated that the Certificate Verification is going to take place on 24.10.2021, the petitioners were not permitted to appear for the same. Hence they have filed these Writ Petitions seeking direction.



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6. The learned Standing Counsel for the third respondent submitted that the Board has considered all those persons who have given PSTM certificate under PSTM category. Since there were some technical glitches in uploading PSTM certificate, the Board has directed the eligible candidates to submit PSTM certificate to the concerned Educational Officer. As per the interim order dated 22.10.2021, the Board has called the petitioners also for certificate verification on 24.10.2021 in order to offer an opportunity. As the Board has to verify volumes of certificates and issue merit list only subsequent to that, the delay is caused.

7. Even according to the submissions of the learned Standing Counsel for the third respondent, the petitioners have been called for the certificate verification held on 24.10.2021 and the petitioners were also present for certificate verification. The delay is abnormally inordinate and it cannot be condoned on the ground that the volumes of certificates have to be verified by the Recruitment Board. Two years have lapsed from the date of verification of certificates and by this time the third



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respondent ought to have released the merit list in accordance with merit and other eligible criteria including the consideration under reservation categories like Persons Studied in Tamil Medium and other qualifications. Since the third respondent has not released the list so far and no acceptable explanation has been given for the delay, I feel a suitable direction should be given.

8. In the result, these Writ Petitions are disposed. Since the petitioners have already been called for certificate verification and they were also present and certificates verified, the third respondent is directed to complete the verification process and release the merit list within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes

20.03.2024

Speaking

Neutral Citation : Yes

gsk



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To

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R.N.MANJULA, J.

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