



W.P.No.23511 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Orders Reserved on : 14..08..2024

Orders Pronounced on : 19..08..2024

Coram

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.23511 of 2024

&

W.M.P.No.25711 of 2024

R.Geetha

..... Petitioner

-Versus-

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

2.The Director of School Education,  
DPI Campus, College Road,  
Chennai 600 006.

3.Teachers Recruitment Board,  
4<sup>th</sup> Floor, DPI Campus,  
College Road,  
Chennai 600 006.

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring that the petitioner is eligible to be appointed as Graudate Teacher / B.T. Assistant – Mathematics under B.Ed., (Spl. Education – MR (Mental Retardation)) pursuant to the Recruitment Notification No.03/2023 dated 25.10.2023.



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*For Petitioner : Ms.N.Kavitha Rameshwar*  
*For Respondent (s) : Mrs.S.Mythreye Chandru*  
*Special Government Pleader*  
*(Education) for RR1 & 2*  
*Mr.R.Neelakandan,*  
*Additional Advocate General,*  
*Assisted by*  
*Mr.C.Kathiravan for R3*

### **ORDER**

This petition has been filed seeking issuance of a Writ of Declaration declaring that the petitioner is eligible to be appointed as Graduate Teacher / B.T. Assistant (Mathematics) under B.Ed., (Spl. Education – MR (Mental Retardation)) pursuant to the Recruitment Notification No.03 of 2023 dated 25.10.2023.

2. The case of the petitioner in brief is as follows:-

(i) She has completed B.Sc., (Mathematics) in the year 2019, B.Ed., (Spl. Education) Course in the year 2021 and has also passed Teachers Eligibility Test (TET) during February, 2023;

(ii) The 3<sup>rd</sup> respondent issued a recruitment notification dated 25.10.2023 calling for applications for direct recruitment to the post of Graduate Teachers /



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Block Resources Teacher Educators (BRTE). She applied for the post under B.Ed., (Spl. Education) – Mental Retardation quota in the subject of Mathematics on 11.11.2023. She belongs to Scheduled Caste (SC) category.

(iii) She was called for written competitive examination on 04.02.2024 and results were published on 18.05.2024. She secured 66.50 marks including weightage marks.

(iv) The grievance of the petitioner is that the 3<sup>rd</sup> respondent has called only 24 candidates for certificate verification for the subject Mathematics and under the category of Mental Retardation (MR), only 2 candidates have been called for certificate verification. The petitioner has not been called for the certificate verification in spite of she being eligible to be considered under MR Category to the post of Graduate Teacher – Mathematics (Spl. Education) and as a result, out of 9 vacancies under this category, only 2



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vacancies were filled up and 7 vacancies were not filled up.

It is in those circumstances, the present writ petition came to be filed before this court.

3. This court has heard Ms.N.Kavitha Rameshwar, learned counsel appearing on behalf of the petitioner; Mrs.S.Mythreye Chandru, learned Special Government Pleader (Education) appearing on behalf of the respondents 1 and 2; and Mr.R.Neelakandan, learned Additional Advocate General appearing on behalf of Mr.C.Kathiravan, learned standing counsel for the 3<sup>rd</sup> respondent-TRB.

4. The learned Additional Advocate General appearing on behalf of the Teachers Recruitment Board (TRB) submitted that the petitioner had applied only under General B.Ed., Category and, therefore, she was considered only under that category. The minimum eligible cut-off mark under that category for SC category candidates was 90 marks and for SC (Women) category candidates it was 89.50 marks and whereas the petitioner had secured only 66.50 marks including weightage mark. Therefore, the petitioner was not called for certificate verification.



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5. The learned Additional Advocate General further submitted that since the petitioner has not specifically applied under B.Ed., (Spl. Education), she cannot be considered under that category.

6. The learned Additional Advocate General in order to demonstrate as to how an online application must have been submitted under the special category, drew the attention of this court to a sample application that was submitted by another candidate under this category.

7. The learned Additional Advocate General submitted that opportunity was given to all the candidates including the petitioner to edit the application form already submitted through online on the dates set on 14.12.2023 and 15.12.2023 and resubmit their applications, by giving a press release on 06.12.2023. The petitioner did not utilize this opportunity. The certificate verification was conducted on 26.05.2024 and final provisional selection list was published on 22.07.2024. The petitioner having missed the bus has knocked the doors of this court by filing this writ petition only on 07.08.2024. Accordingly, the learned Additional Advocate General sought for the dismissal of the writ petition.



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8. The learned counsel appearing on behalf of the petitioner submitted that the petitioner had studied B.Ed., (Spl. Education) and therefore, she could not have been considered for any other position except the special category. The petitioner had also submitted all the relevant documents along with her application through online. Just because she did not specifically chose the option that was available online, it must only be considered to be an irregularity which will not be fatal to disentitle the petitioner from being considered for appointment, if she is otherwise qualified in all other respects.

9. The learned counsel for the petitioner in order to substantiate the above submissions relied upon the judgement of the Apex Court in the case of **Dolly Chhanda vs Chairman, JEE**, [(2005) 9 SCC 779]. She placed specific reliance on paragraph 7 of that judgement.

10. The learned counsel for the petitioner also relied upon the judgement of the Division Bench of this Court in the case of **Tamil Nadu Public Service Commission, rep. by its Secretary v. B.Parthiban and others** [W.A.No.2685 of 2022, etc., batch cases dated 20.11.2023].

11. The short issue that arises for consideration in the present writ petition is as to whether the petitioner in not specifically choosing the special



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category in the online application is merely a technical flaw which will not deprive her from participating in the further selection process or it is fatal to the extent that it will disentitle the petitioner from claiming any right under the special category?

12. We are in a digital era and applications for public employment are almost required to be submitted only online. The candidates also get used to submitting their applications through the online mode, and they understand the importance of filling up all the particulars and verifying the correctness of the particulars before submitting their applications through online to participate in the selection for public employment.

13. In the instant case, there is no dispute with regard to the fact that the petitioner had applied only under General B.Ed., category. While filling up equivalent subject name, she has mentioned it as B.Ed., (Spl. Education). She has also submitted/uploaded the relevant documents.

14. The sample application that was submitted by another candidate under the special category shows that the candidate was expected to specifically click the option for B.Ed., (Spl. Education) degree detail. Upon clicking this option, the caption "Which Special Category?" would appear. In this caption, a



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candidate was expected to specifically mention the special category. The petitioner, who was expected to click this option, must have filled it up by mentioning that she applied under B.Ed., (Spl. Education) with a specialisation in mental retardation. Admittedly, the petitioner did not click the option and enter the requisite particulars. Printed copy of the online application submitted by the petitioner shows that she has only filled up online application under B.Ed., degree details and did not chose the option of B.Ed., (Spl. Education) and enter the particulars of degree.

15. It is true that the petitioner under B.Ed., degree details had mentioned the subject name as B.Ed., (Spl. Education). She has also uploaded the relevant educational testimonies to substantiate the same.

16. Initially, the scrutiny of applications was done only based on the details that were furnished in the online applications. There was no occasion for the TRB to go through the documents uploaded at that initial stage. Therefore, if any person had not specifically filled up the applications under the B.Ed., category, their applications could be considered only as applications for General B.Ed., category. That is what exactly happened in the present case. The petitioner after being considered under the General B.Ed., category was found



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to be outside the zone of consideration and, therefore, she was not called for certificate verification.

17. The learned counsel for the petitioner by relying upon the judgements submitted that it was only a technical flaw on the part of the petitioner and that cannot prove to be fatal to the petitioner and result in the rejection of the candidature of the petitioner.

18. In the judgement of the Apex Court, the court was not dealing with a case of online application. That apart, the court was dealing with a case where the person was seeking for reservation and by mistake, a wrong certificate was submitted which was subsequently replaced with the correct certificate at the second stage of counselling. It was, therefore, held by the Apex Court that it was well within the domain of procedure and therefore, it must not be construed very strictly resulting in the rejection of the candidature.

19. In the next judgement of the Division Bench of this Court, the candidate therein had not uploaded certain documents or had not submitted the documents in the prescribed form. That was considered by the Division Bench to be a mistake within the realm of procedure which would not result in the rejection of the candidature.



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20. The above two judgements relied upon by the learned counsel appearing for the petitioner will not have any application to the facts of the present case. In the instant case, the petitioner wanted to apply specifically under the special category, however, she did not click the relevant option and fill up particulars under B.Ed., (Spl. Education) category. It is not as if the petitioner could not have corrected the mistake. In fact, an opportunity was given to the candidates to edit / correct the application form already submitted through online on 14.12.2023 and 15.12.2023 and press release was issued in this regard on 06.12.2023. Unfortunately, the petitioner who could have availed this opportunity did not chose to avail. Therefore, the application of the petitioner was considered only under General B.Ed., category.

21. The above mistake committed by the petitioner while submitting online application cannot be considered to be a mere procedural lapse. It is quite a fatal lapse on the part of the petitioner. This is more so since the petitioner was seeking for appointment under the special category and she has not even chosen the correct option in the on-line application. Just because the petitioner had completed B.Ed., (Spl. Education) and mentioned about it in her application and had also uploaded the relevant documents, that by itself will not raise a presumption that the petitioner has applied under the special category.



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Improper filling up of application could become fatal in a case of this nature since the application did not fulfill the requirements for considering the petitioner under the special category. In view of the same, the petitioner has to be considered only under B.Ed., General Category and it has to be summarily rejected if a claim is subsequently made under the special category.

22. If this court permits the petitioner to be considered under the special category at this stage, there may be others who would have committed similar kind of mistake and they will also start knocking the doors of this court citing the case of the petitioner. This will result in a situation where the respondent board will not be able to finalise the appointments of those candidates who have already been selected.

23. This case demonstrates the importance of being more careful and attentive while submitting application through on-line mode for public employment. Probably, it will also be a lesson for the petitioner who will be more careful while submitting her application through on-line mode for employment in the future.

24. It is true that out of 9 vacancies, 7 vacancies remain unfilled due to the non-availability of suitable candidates. That by itself is not a ground to



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direct the respondents to accommodate the petitioner. The vacancies which have not been filled up can be carried forward to the next recruitment as provided under the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

25. In the light of the above discussions, the relief sought for by the petitioner cannot be granted by this court and the writ petition deserves only to be dismissed.

**In the result,** the writ petition stands dismissed. No costs. Consequently, connected WMP also stands closed.

Index : yes.  
Neutral Citation : yes.  
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19..08..2024

To

- 1.The Principal Secretary to Government, School Education Department,  
Fort St. George, Chennai 600 009.
- 2.The Director of School Education, DPI Campus, College Road,  
Chennai 600 006.
- 3.The Chairman, Teachers Recruitment Board, 4<sup>th</sup> Floor, DPI Campus,  
College Road, Chennai 600 006.

N.ANAND VENKATESH.J.,



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Pre Delivery Order  
in  
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