



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.25672 of 2022
and W.M.P.Nos.24696 & 24697 of 2022

M.Indira

... Petitioner

Vs.

1. Teacher Recruitment Board,
3 & 4 Floor, Puratchi Thalaivar Dr.MGR
Centenary Building, DPI Campus,
College Road, Chennai 600 006.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent relating to the impugned Notification No.01E/2022 dated 17.09.2022 and quash the same in respect of nullifying the back log vacancy for the post of PG Assistant post in the subject of Bio Chemistry and consequently, directing the respondents to declare the selection of the petitioner in the process of recruitment in the said post.



W.P.No.25672 of

For Petitioner : Mr.R.Kannan
For Respondents : Mr.R.Neelakandan, AAG, Assisted by
Mr.C.Kathiravan, SGP for R1
Ms.Akila Rajendran, GA for R2

ORDER

This Writ Petition has been filed for quashment of the impugned Notification No.01E/2022 dated 17.09.2022 issued by the first respondent, in respect of the back log vacancy for the post of PG Assistant in the subject of Bio Chemistry and consequently, to direct the respondents to declare the selection of the petitioner in the process of recruitment in the said post.

2. Heard the learned counsel on both sides and perused the materials available on record.

3. The case of the petitioner is that the petitioner has applied for the post of PG Assistant in the Government Schools pursuant to the notification dated 09.09.2021 for the single vacancy in MBC/DNC category in the subject of Bio Chemistry and she also secured 85 marks in the examination held by the first respondent on 15.02.2022. Then the petitioner was called for Certificate Verification on 03.09.2022 and till then, the vacancy for the post



of Bio Chemistry in MBC/DNC category was shown in all the notifications of the first respondent. Suddenly, on 17.09.2022, the first respondent issued the impugned notification stating that there is no vacancy in the said subject. Hence, this petition.

4. The learned counsel for the petitioner submitted that the first respondent after getting information of vacancies in the posts of PG Assistant from the second respondent, called for the application from the eligible candidates in the subject category and conducted the examination. The eligibility marks for general category is 50% and for SC/SCA is 45% and for ST is 40%. In the subject of Bio Chemistry, there was one vacancy reserved for the category of MBC/DNC. The back log vacancy was carried over and called for application by notification No.1/2021 dated 09.09.2021 and the petitioner has applied for the same and attended the examination on 15.02.2022. Suddenly, the first respondent issued a notification No.1E/2022 dated 17.09.2022 stating that as a change in vacancy position in the subject of Bio Chemistry in MBC/DNC category as '0'. Hence, the petitioner has filed the present petition seeking to quash the impugned notification dated 17.09.2022 of the first respondent.



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5. The learned Additional Advocate General appearing for the first respondent submitted that Teachers Recruitment Board issued notification vide Advertisement No.01/2021 dated 09.09.2021, inviting applications from eligible candidates for direct recruitment to the post of Post Graduate Assistant /Physical Education Directors Grade I and Computer Instructor Grade I for the year 2020-21 through online mode. The Board further released Notification No.01A/2021, dated 17.09.2021 and No.01B/2021 dated 21.10.2021 and thereafter, issued amended notification No.01C/2022 dated 03.08.2022 to increase the vacancies from 2207 to 3237 and further an amended notification No.1D/2022 to Notification Nos.01/2021 and 01C/2022 dated 27.08.2022 whereby the vacancies were notified as 3236. As per the request from the User Department, the Board has released an amendment to Notification No.01/2021 and 01D/2022 as Notification No.1E/2022 dated 17.09.2022 in which the vacancies were changed from 3236 to 3209 and no vacancies for the subjects of Bio Chemistry and Indian Culture. The claim of the petitioner to quash the Notification No.1/E/2022 dated 17.09.2022 on the ground of being illegal is not valid as the same is according to the request of the User Department, which is the competent authority to modify the vacancies and the same was already mentioned in the Notification



No.01/2021 dated 09.09.2021 that the vacancies notified are tentative and is liable for modification with reference to vacancy position of the User Department before finalization of selection. Hence, he seeks for dismissal of the petition.

6. In view of the submissions made by the learned counsel on both sides and on perusal of the Notification No.01/2021 dated 09.09.2021 and Notification No.1/E/2022 dated 17.09.2022, the vacancies notified are tentative and the same is liable for modification with reference to vacancy position of the User Department before finalization of selection. Hence, this Court is of the considered opinion that the impugned Notification dated 17.09.2022 passed by the first respondent warrants no interference.

7. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are also closed. No costs.

20.11.2024

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Index : Yes / No

Speaking order / Non-speaking order



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VIVEK KUMAR SINGH, J.

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To

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