



W.P.No.26035/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26035 of 2021

T.Nedumaran

... Petitioner

/vs/

1. The Chairman,
The Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Building,
DPI Campus, College Road,
Chennai – 600 006.

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

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the first respondent in RC. No.6252/E5/2021 dated 09.11.2021 and to quash the same and consequently directing the respondents to appoint the petitioner to the post of Assistant Professor in Business Administration based on the representation submitted by the petitioner dated 16.12.2019 with consequential and other attendant



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benefits.

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For Petitioner ... Mr.S.Nedunchezhiyan

For Respondents ... Mr.K.Surendran
Additional Govt. Pleader for R2

Mr.C.Kathiravan for R1

ORDER

Heard Mr.S.Nedunchezhiyan, the learned Counsel for the petitioner,
Mr.K.Surendran, the learned Additional Government Pleader for R2 and
Mr.C.Kathiravan, the learned counsel for R1.

2. The petitioner has filed this writ petition challenging the impugned order passed by the first respondent in RC.No.6252/E5/2021 dated 09.11.2021 and to direct the respondents to appoint the him to the post of 'Assistant Professor' in Business Administration based on his representation dated 16.12.2019, with consequential and other attendant benefits.

3. The petitioner is one of the applicants who participated in the recruitment to the post of 'Assistant Professor' in 'Business Administration'



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as per Advertisement No.4/2013 dated 28.05.2013 of the first respondent.

The petitioner has not reached the zone of consideration in the recruitment.

However, the petitioner has filed a writ petition in W.P.No.34844 of 2013 to award maximum mark for his teaching experience. Accordingly, a direction was given and the petitioner was given with maximum mark of '15' and his total marks were 31.

4. By virtue of an interim order in W.M.P.No.1 of 2013 in W.P.No.34844 of 2013 one post was reserved till the pendency of the writ petition. Even though the petitioner reached 31 marks, he could not be selected in view of the reasons that another three persons who have got the same marks were found to have got date of birth senior to the petitioner. Hence, one Poongodi who has got the senior most date of birth got selected. In fact the order passed in W.P.No.34844/2013 was challenged in W.A.No.297/2019 and the writ appeal got disposed by declaring that the petitioner is not entitled to be selected to the post of 'Assistant Professor' in the recruitment conducted by Teaching Recruitment Board in the month May, 2013. The petitioner is once again before this Court in view of the fact



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that the selectee Poongodi, in whose favour the appointment was released, did not join the post.

5. Mr.C.Kathiravan, the learned counsel for the first respondent submitted that no such information has been received from the second respondent so far.

6. It is seen from the information obtained by the petitioner under the Right To Information Act, that none of the four persons including the petitioner have joined the post in the impugned recruitment. So that only would show that the post still remains vacant.

6. The learned counsel for the first respondent raised the concern that even if the post fell vacant, it would have got carried over to the next recruitment. However, no records have been shown to that effect.

7. In view of the above submissions, the second respondent shall verify the records and if the post against which the said Poongodi



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appointed still remains vacant and the post has not been carried forward to next recruitment, appointment order shall be issued to the petitioner. In the event of the post carried over to the next recruitment, the petitioner has to participate in the next recruitment. Whatever may the case, the second respondent is directed to issue orders in this regard after taking into consideration of the above observation, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed. No costs.

22.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case: Yes / No
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R.N.MANJULA ,J.

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To:

1. The Chairman,
The Teacher Recruitment Board,
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DPI Campus, College Road,
Chennai – 600 006.
2. The Director of Collegiate Education,
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