



WEB COPY



W.P.No.33512 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33512 of 2024

P. Ramkumar

...Petitioner

Vs

1. State of Tamil Nadu
represented by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.

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

3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road, Chennai 600 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for appointment of the petitioner to the post of P.G. Assistant (zoology) based on the marks secured by the petitioner in the Certificate



W.P.No.33512 of 2024

Verification conducted on 28.11.2014 based on the Notification issued by the 3rd respondent in Notification No.02 of 2013 dated 09.05.2013, for which the results of Certificate Verification published on 26.09.2024, in considering of representation submitted by the petitioner dated 30.09.2024 within a time frame fixed by this Court and pass orders.

For Petitioner : Mr. S. Nedunchezhiyan
For Respondents 1 & 2 : Mrs. S.Mythreye Chandru
Special Government Pleader
For Respondent – 3 : Mr.M. Alagu Goutham
Standing Counsel

ORDER

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Mandamus directing the respondents to pass orders for appointment of the petitioner to the post of P.G. Assistant (zoology) based on the marks secured by the petitioner in the Certificate Verification conducted on 28.11.2014 based on the Notification issued by the 3rd respondent in Notification No.02 of 2013 dated 09.05.2013, for which the results of Certificate Verification



W.P.No.33512 of 2024

published on 26.09.2024, in considering of representation submitted by the petitioner dated 30.09.2024 within a time frame fixed by this Court and pass orders.

3. The facts of the case is that the petitioner has passed M.S.C (Zoology), M.Phil, B.ED and had participated in the examination conducted by the respondent for the post of PG Assistant in Higher Secondary School Education Department and received call letter for certificate verification which was scheduled to be held on 31.10.2012. Due to illness, the petitioner could not attend the certificate verification on the said date and he was marked as absent for the certificate verification. Therefore, the petitioner has made representation dated 13.12.2012 to the second respondent and the same was received on 17.12.2012. The respondent in the circular dated 11.12.2012, has mentioned that they would give chance to the absentees and would keep the posts vacant. The petitioner has approached this Court in M.P.No.1 of 2013 in W.P.No.11636 of 2013 seeking direction to fix an early date for certificate verification and this Court also allowed the same. Pursuant to which the respondent vide letter dated 18.11.2014 in Na.Ka.No.458/LC/2014 the



W.P.No.33512 of 2024

petitioner was called for the certificate verification. Thereafter, he was not provided with the result. Hence, the petitioner again filed W.P.No.30508 of 2014 seeking for appointment to the said post as per notification No.2/2013 dated 09.05.2013. Thereafter, the result of the same was not published nearly for 10 years. The petitioner sent several representations to the TRB to inform the result and the same was not considered. Hence, the petitioner filed Sub Application No.861 of 2024, wherein the Respondent TRB issued proceedings dated 26.09.2024 and was granted 5 marks for certificate verification and further the Sub Application was closed by giving liberty to the petitioner. The sum and substance of the case is that the petitioner is eligible for appointment to the said post due to which he as given a representation to the respondent on 30.09.2024 and the same was not considered till date. Hence, this petition.

4. The learned counsel for the petitioner submitted that initially the respondent has called for certificate verification and the petitioner also eligible for the said post as he has obtained 111 marks and for the selection process it only requires 109 marks and there are number of persons secured lesser marks than the petitioner were given benefit of



W.P.No.33512 of 2024

appointment. Hence, prays to allow this petition.

WEB COPY

5. Per Contra the learned Government Advocate appearing for the respondents produced a letter dated 03.10.2014 in Na.Ka.no.6923/CV3/S1/2011, wherein it has been stated that in the earlier order passed by this Court in W.P.No.30508 of 2014 and 5152 of 2015 it has been clearly stated by the respondents that the petitioner has not reached the zone of consideration, therefore his name was not considered for the said selection process. He further submitted that the results of the certificate verification has also intimated to the petitioner. Hence, the prayer sought for by the petitioner cannot be considered.

6. Heard both sides and perused the materials available on record

7. On a perusal of records it is made clear that inspite of the fact that the petitioner has not appeared for the certificate verification process, he has been given one more opportunity and the results of the same has been informed to him. It is seen from records that the petitioner has fulfilled all the requirements for selection to the post of P.G.Assistant. The



W.P.No.33512 of 2024

petitioner does not reserve the right of appointment by merely fulfilling the requirements for the selection process. Hence, the prayer sought for by the petitioner cannot be considered at this stage. However, it is left open to the petitioner to work out the remedy in the manner known to law.

8. With the above observations this writ petition stands disposed of. No order as to costs.

11.11.2024

Index:Yes/No
Speaking order/Non-speaking order
smn

To.



W.P.No.33512 of 2024

1. The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.

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

3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road, Chennai 600 006.

V.BHAVANI SUBBAROYAN,J.

smn



WEB COPY



W.P.No.33512 of 2024

W.P.No.33512 of 2024

11.11.2024