



W.A(MD)No.85 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A(MD) No.85 of 2019
and
C.M.P(MD)No.472 of 2019

V.Jhansirani

... Appellant/Petitioner

Vs.

The Director,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Complex, College Road,
Chennai – 600 006.

....Respondent/Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 04.12.2018 made in W.P(MD)No.21599 of 2018.

For Appellant :Mr.K.Surendran

For Respondent :Mr.VR.Shanmuganathan



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JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This writ appeal is directed against an order passed by a learned Single Judge of this Court dismissing W.P(MD)No.21599 of 2018, dated 04.12.2018.

2.The facts are:

- a) The writ petitioner felt aggrieved when her name does not find a place in the provisional list of Sewing Teachers selected pursuant to the notification dated 26.07.2017.
- b) According to the writ petitioner, she was qualified and hence eligible to apply to the post of Special Teacher[Sewing]. She applied for the said post and also sat for a written examination and in which, she scored 55 marks. Her grievance is that in terms of her registration with the concerned employment exchange, she was waiting for an opportunity for more than ten years and hence, as per Rules, she was entitled to



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weightage of five marks. She claims that this weightage was not given to her and also complains that certain Backyalakshmi whose name did not figure in the provisional list of selected candidates was later appointed.

- c) In the counter filed by the respondent-Teachers Recruitment Board, it is alleged that among the candidates who scored identical marks in a particular category, for the post reserved for that category, he or she who is born earlier would be selected. This has been the selection policy. The petitioner belongs to MBC (DNC) candidate and in that category, one Kamalavalli was born earlier to the writ petitioner and hence, she was selected. Turning to Backyalakshmi in relation to whose selection certain insinulative allegations made, she is not in the same category, but she is in MBC(DNC) disabled category. So far as the writ petitioner is concerned, the weightage marks has indeed been given and since she was born subsequent to Kamalavalli, Kamalavalli was selected.



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d) Taking note of the rival submissions, the learned Single Judge found that the qualitative of response made by the respondent merited consideration and chose to dismiss the writ petition. This order is now under challenge.

3. Heard both sides. The learned counsel for the appellant now submits that the respondent had produced a revised provisional list in which the petitioner's name figures in 184th place but she has not been given any order of appointment possibly due to the pendency of this writ appeal.

4. The learned counsel for the respondent on verification with his client makes a statement that the provisional list wherein the appellant was placed in 184th place is true. Inasmuch as the appellant has been included in the provisional list, the cause of action for the writ petition is no longer exists. Hence, this Court chooses to close this writ appeal. Accordingly, this writ appeal is closed. No Costs. Consequently, connected Miscellaneous Petition is closed.



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5. Now, the respondent is required to issue necessary appointment order to the provisionally short-listed candidates at the earliest subject to any other norms. It has to be underscored that within about six years time, the Government has issued two provisional lists and it is yet to make an appointment. This Court wonders how the students who have a curriculum in sewing are managing without Specialist Teachers(Sewing). It is time the authorities pull up their socks and act without delay.

(N.S.S., J.) (P.V.M., J.)
16.07.2024

NCC : Yes/No

Index : Yes/No

PM

Note:Issue Order Copy on 18.07.2024



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