



W.P(MD)No.15415 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15415 of 2020

and

W.M.P.(MD)Nos.12951 & 12952 of 2020

Kumaran

... Petitioner

Vs.

- 1.The Chairman,
Teachers Recruitment Board,
O/o. The Teachers Recruitment Board Office,
4th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road,
Chennai – 600 006.
- 2.The Member Secretary,
Teachers Recruitment Board,
O/o. The Teachers Recruitment Board Office,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600 006.
- 3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.
- 4.The Registrar,
Tamil Nadu Physical Education and Sports University,
Melakottaiyur Post,
Vandalur, Kelambakkam Road, Chennai-600 127.

<https://www.mhc.tn.gov.in/judis>



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5.University of Madras,
Chepauk, Chennai-600 005.

6.YMCA College of Physical Education,
Nandanam, Chennai-35.

7.Ramakrishna Mission Vidyalaya Maruthi College of Physical Education,
Coimbatore District.

8.Ramakrishna Chandra College of Physical Education,
Cumbum, Theni District.

9.Good Samaritan Institute of Physical Education,
Thiruppur District.

10.K.R.Institute Physical Education,
Dindigul District.

11.B.Lokesh

12.P.Rathinakumar

13.S.Mohan

14.T.John Jamindhar

15.V.Thinakaran

16.E.Sivakumar

17.A.Sivasubramaniyan

18.S.Muthukumar

19.K.Pandiyan

20.S.Barani Ramalingam

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21.K.Vivin Pratheep

22.S.Jinamose

23.S.Subramanian

24.A.Senthil Murugan

25.V.Selvaraj

26.V.Murugasrinivasan

27.N.Thanesh Kumar

28.K.Venkateswaran

29.G.Jesuraja

30.J.A.Suresh Kumar

31.P.Kaviyarasan

32.B.Jeyakannan

(R5 to R32 are suo motu impleaded
vide order dated 06.06.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Revised Provisional Selection List of Candidates after certificate verification for District Recruitment of Special Teachers (Physical Education, Drawing, Music, Sewing), in school Education and other departments for the year 2012 to 2016 published on 28.10.2020 by the respondents 1 and 2 in the official website of Teachers Recruitment Board and quash the same as illegal in so far as it relates to the selection of candidatures under BC (PSTM) category and consequently to direct the responents 1 to 3 to include the name of Writ Petitioner in the provisional selection list of candidates for the post of Physical Education Teacher in Government Schools within the period that may be stipulated by this Court.



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For Petitioner : Mr.Antony Arulraj
for Mr.S.Venkatesh

For Respondents : Mr.V.R.Shanmuganathan, Standing Counsel
for R1 & R2

: Mr.N.Satheeskumar
Additional Government Pleader for R3

: Mr.R.Gopinath for R4

: Mr.M.R.Srinivasan for R5

: Mr.R.Sarath Chandran for R6

: Mr.R.Devaraj for R7

: Mr.A.Arul Jenifer for R10

: Mr.S.Lenin Prabu for R11 to R20, R22, R23,
R24, R26 to R32.

: Mr.P.Mahendran for R25.

: no appearance for R8, R9 & R21

ORDER

Heard the learned counsel on either side.

2. The petitioner is possessing B.Sc, M.PEd & M.Phil degrees. He registered himself with the employment exchange in the year 2000. He belongs to backward class category. When TRB issued recruitment notification in the year 2017 inviting



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applications from eligible candidates for direct recruitment for the post of special teachers, the petitioner also applied in response thereto. The petitioner secured 66 marks in the written examination. He was awarded 5 marks towards employment seniority. Though the petitioner had secured 71 marks, since the cutoff marks for BC category was 72, he was not selected. Later, the petitioner came to know that TRB had applied 20% reservation for PSTM candidates. The petitioner further came to know that the courses in B.PEd and M.PEd are not conducted in Tamil medium. He therefore filed the present writ petition questioning the entire selection list. It is not in dispute that the educational institutions conducting B.PEd and M.PEd courses are affiliated to Tamil Nadu Physical Education and Sports University, Chennai.

3. Counter affidavit has been filed by the University. It is categorically averred that the University had not granted any permission to conduct courses in Tamil. In my view, this clinches the issue. However, the various institution have affirmed before this Court that they did issue PSTM certificates to the selected candidates. I would not fault TRB for having acted on them. This is because, the certificates are genuine. The question that arises is whether such certificates could have been issued in the first instance. In view of the categorical stand taken by the University, I hold that the application of the PSTM rule to the selection process is bad in law.

At the same time, in view of the lapse of time and taking into account the interests of



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the selected candidates, I would not upset the selection process. Instead, relief can be granted to the petitioner because only one candidate had come before this Court. It is stated that vacancies are presently available. The (*)**third respondent** is directed to appoint the petitioner in any of the existing vacancies. This shall be done within a period of five weeks from the date of receipt of a copy of this order. The petitioner will be entitled to actual monetary benefits from the date of joining duty but his seniority will be reckoned with reference to and on par with the selected candidates in the impugned selection process.

4. The Writ Petition is allowed to this extent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

(*)Corrected as per the order of this court in WP(MD).No. 15415 of 2020 dated 10/06/2024

Sd/-

Assistant Registrar(AS)

// True Copy //

11/06/2024

Sub Assistant Registrar

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(*)To be sub substituted the order already despatched on 19/03/2024



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The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

+2 CC to M/s.S.VENKATESH, Advocate (SR-11241[F] dated 11/03/2024)

+1 CC to M/s.R.DEVARAJ, Advocate (SR-11562[F] dated 12/03/2024)

+1 CC to M/s.SHARATH CHANDRAN, Advocate (SR-10937[F] dated
08/03/2024)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-11020[F] dated 11/03/2024)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-11021[F] dated 11/03/2024)

+1 CC to M/s.R.GOPINATH, Advocate (SR-11194[F] dated 11/03/2024)

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08.03.2024

MK/19.03.2024 7P 9C

KB/11.06.2024 7P 9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023