



W.P.(MD)No.16925 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.16925 of 2022

A.Kalaiyarasi

... Petitioner

Vs.

The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampathu Maaligai,
College Road,
Chennai – 600 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Teachers Recruitment Board herein to call forthwith the petitioner for certificate verification as per Rule 8 of the Notification No.05/2017, dated 26.07.2017.

For Petitioner : M/s.A.Amala

For Respondent : Mr.V.R.Shanmuganathan
Standing Counsel



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48 marks, her name was not found in the list of candidates called for Certificate Verification.

4. The learned counsel for the petitioner submitted that one candidate namely, S.Thamilarasan, bearing Roll No.17ST25020572 under MBC/DNC Community, who had secured 46 marks, which is lower than the marks of the petitioner was placed in Serial No.34 and called for certificate verification on 07.04.2022.

5. The learned counsel for the petitioner submitted that the petitioner possesses all eligible qualification as per Notification No.05/2017, dated 26.07.2017 and obtained sufficient marks in the written examination. The petitioner had passed SSLC, Government Technical Examination in Freehand Outline and Model Drawing (Higher grade) and Technical Teachers' Certificate Course as on 18.08.2017. Thus, she is fully qualified with the qualification prescribed under Rule 4 for the post of Drawing Teachers.

6. The learned counsel for the petitioner submitted that the petitioner had submitted a detailed representation to the respondent vide letter dated 11.04.2022, along with her Hall ticket, copy of mark list published in the



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Teachers Recruitment Board website, list of Candidates called for certificate verification and Community Certificate, requesting them to include her name in the certificate verification list.

7. The learned counsel for the petitioner submitted that if the petitioner is called for certification verification as per the said notification, she would have been provided with additional marks as weightage marks for her seniority in employment registration and she has every possibility of succeeding.

8. The learned counsel for the petitioner submitted that when the person secured marks lesser than the petitioner belonging to MBC/DNC Community was called for certificate verification, the petitioner cannot be denied of her right to employment by not including her name in the certificate verification list. It is well settled position of law that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, as guaranteed under Article 16 of the Constitution of India and no State shall deny any person, equality before law or equal protection of laws in the territory of India, as guaranteed under Article 14 of the Constitution of India.



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9. The Teachers Recruitment Board ought to have included the petitioner name in the certificate verification list as per Rule 8 of the Notification No.05/2017. Even after the representation submitted by the petitioner, it bore no fruits and the respondent has not passed any orders till date. Hence, the petitioner has come forward with the present writ petition.

10. The learned counsel for the petitioner placed reliance on the order passed by this Court, in similar case, in W.P(MD)No.16064 of 2023, dated 22.03.2024 and she prays for allowing the writ petition.

11. The learned counsel for the petitioner further submitted that as per the Teachers Recruitment Board instruction, dated 10.02.2021, the petitioner has submitted the PSTM certificate to the Chief Educational Officer, Pudukottai but no acknowledgement has been issued by the said Officer.

12. The respondent has filed a counter affidavit on 08.09.2022.

13. The learned Standing Counsel for the respondent submitted that the petitioner appeared for the written examination on 23.09.2017 and she secured 48 marks. The additional certificate verification list published by the Board in



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the official website of Teachers Recruitment Board on 07.04.2022, which was purely to the candidates, who belong to PSTM, PWD, DW, Ex-Servicemen category.

14. It is further submitted that the petitioner has mentioned in paragraph No.5 of the affidavit that she has passed SSLC, Government Technical Examination in Free Hand Outline and Model Drawing (Higher Grade) and Technical Teachers Certificate Course as on 18.08.2017, but the petitioner did not mention the specific reservation (PSTM, PWD, DW, Ex-Servicemen category), which she belongs to.

15. The learned Standing Counsel for the respondent submitted that the petitioner has referred a candidate, namely, S.Thamilarasan bearing Roll No.17ST25020572 (MBC/DNC community) in Paragraph No.4 of the affidavit stating that the said candidate has secured 46 marks only and his name has been listed in the additional certificate verification list published in the website of Teachers Recruitment Board on 07.04.2022.

16. The learned Standing Counsel for the respondent submitted that the



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Board published the revised selection list on 12.10.2021. After publishing the Provisional Selection List on 12.10.2021, some of the candidates submitted their grievance petitions and requested to consider them for certificate verification. The grievance petitions have been considered by the Board and decided to verify their original certificates of eligible candidates. It is further submitted that the Board released the list of Candidates (Drawing and Sewing) for certificate verification and the Board conducted certificate verification on 19.04.2022.

17. The learned Standing Counsel for the respondent submitted that the candidate referred by the petitioner, namely, S.Thamilarasan, bearing Roll No. 17ST25020572 applied under PSTM category and he has produced all the PSTM certificates while submitting the grievance petition. Therefore, the said candidate's name was found in the additional list of candidates called for certificate verification published on 07.04.2022.

18. The learned Standing Counsel for the respondent submitted that the petitioner has submitted grievance petition requesting to include her name in the certificate verification list which was held on 19.04.2022, but the petitioner did not submit the PSTM Certificate for Higher Grade in Free Hand Outline and



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Model Drawing. Hence, the petitioner becomes ineligible to be considered under the PSTM reservation and will be eligible under the MBC/DNC G and MBC/DNC W category.

19. The learned Standing Counsel for the respondent further submitted that the minimum cut-off marks for MBC/DNC G is 55 and MBC/DNC W is 53. Since the petitioner has secured only 48 marks in MBC/DNC Category, she was not under the zone of consideration for selection.

20. The learned Standing Counsel for the respondent submitted a copy of written instructions from the District Revenue Officer, Teachers Recruitment Board, Chennai vide Rc.No.1692/L/S3/2022, dated 28.10.2024, wherein, it has been stated as follows:

Sl.No.	Questions	Reply
1	Whether we have filed an appeal against W.P.No.16064 of 2023?	The Board has sought for the legal opinion on 18.10.2024 for the feasibility of filing writ petition against the order passed in W.P.No,16064 of 2023 and has been awaiting for the same.



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Sl.No.	Questions	Reply
2	Whether the selection is completed for the Notification No.05/2017 dated 26.07.2017?	The selection process was completed on 12.10.2021 except for certain special categories I.e., Ex-Servicemen, Destitute Widow, Persons studied with Tamil Medium and Persons with Disability.
3	Whether there is any vacancy for Drawing Teacher (Special Teacher under PSTM category)?	The total no.of vacancies notified for the Special Teacher (Drawing) is 327. The no. of vacancies filled under PSTM category for Special Teacher (Drawing) is 31. The no. of vacancies unfilled under PSTM category for Special Teacher (Drawing) is 27. With regard to above unfilled vacancies under PSTM Category, the Board has conducted certificate verification and the provisional selection list is currently in the final process.

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



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22. In the case on hand, the petitioner pursuant to the Notification No.05/2017, dated 26.07.2017, wherein, the respondent Teachers Recruitment Board called for application through online mode for the direct recruitment of Special Teachers (Physical Education, Drawing, Music, Sewing) in School Education and Other Departments for the year 2012-2016, the petitioner applied and also appeared for written examination and secured 48 marks. The petitioner belongs to MBC/DNC community. The main contention of the petitioner is that the person, namely, S.Thamilarasan, who has secured 46 marks, which is less than the petitioner's mark has been called for certificate verification, but the petitioner, who has secured 48 marks was not called by the respondent for certificate verification. In regard to the above contention, it is submitted by the respondent that the said S.Thamilarasan has applied under PSTM category and he has produced all the PSTM certificates while submitting the grievance petition, but the petitioner did not submit the PSTM certificate in the grievance petition.

23. According to the petitioner, pursuant to the list of candidates published by the Teachers Recruitment Board on 10.02.2021, in which, the serial number of the petitioner is 40, wherein, he was asked to submit the PSTM certificate to the CEO, Pudukottai. The petitioner submitted the PSTM



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Certificate to the CEO, Pudukottai and no acknowledgement was issued for the

receipt of the certificate by the said Officer.

24. The learned counsel for the petitioner placed reliance on the order passed by this Court, in similar case, in W.P(MD)No.16064 of 2023, dated 22.03.2024. The relevant portion of the order reads as follows:

“5.As per the notification in Para 9(c), the candidate who claims reservation under PSTM category has to produce Tamil Medium Study Certificate in the prescribed format in annexure~II. However, the petitioner did not submit her PSTM certificate in the Chief Educational Office as per the notification. Therefore, the petitioner was not considered under the PSTM category.

7. Admittedly, the petitioner has studied her entire education viz., 10th standard, Higher Secondary and technical educational teachers certificate course in drawing in Tamil medium. She belongs to the category of Backward Class community. In view of the above, the first respondent is directed to permit the petitioner for certificate verification in the selection process to the post of Special Teacher ? Drawing as per the notification No.5/2017 dated 26.07.2017. If the petitioner comes under zone of consideration, the first respondent is directed to proceed with her appointment.”

25. The learned Standing Counsel for the respondent, on written instructions, dated 28.10.2024, submitted that the selection is not completed and the same is in final process. Hence, the case of the petitioner will be considered



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by the respondent in the light of the order passed by this Court stated supra.

Since no appeal has been filed by the respondent board challenging the said order till date, awaiting for the legal opinion, which was sought by the board.

26. In view of the factual matrix of the case and in the light of the order passed by this Court in similar case in W.P(MD)No.16064 of 2023, dated 22.03.2024, the respondent is directed to call forthwith the petitioner for certificate verification as per Rule 8 of the Notification No.05/2017, dated 26.07.2017. If the petitioner comes under zone of consideration, the respondent is directed to proceed with her appointment.

27. In the result, the writ petition stands allowed with the above observations and directions. No costs.

30.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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WEB **To:** COPY

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J.SATHYA NARAYANA PRASAD, J.

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