



W.P.(MD)No.17522 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.17522 of 2022

and

W.M.P(MD)No.12750 of 2022

A.Rajalakshmi

... Petitioner

Vs.

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Samapth Maaligai,
DPI Complex, College Road,
Chennai.

2.The Director,
The Department of Technical Education,
53, Sardar Patel Road,
Anna University,
Guindy, Chennai – 600 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to include the name of the petitioner in the provisional selection list published on 30.07.2022 for the post of Lecturers (Physics) in Government Polytechnic Colleges (Engineering / Non-Engineering) for the year 2017-2018 vide notification dated 07.11.2019 by



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awarding 2 marks for the teaching experience and 3 marks for the M.Phil degree along with 1 mark in one mark question totally 6 marks by considering the representations of the petitioner dated 16.07.2022 and 19.07.2022 and consequently direct the second respondent to consider the petitioner for appointment to the post of Lecturers (Physics) in Government Polytechnic Colleges (Engineering / Non-Engineering) for the year 2017-2018 vide notification dated 07.11.2019.

For Petitioner : Mr.S.Sivaprakash

For R1 : Mr.V.R.Shanmuganathan
Standing Counsel

For R2 : Mr.M.Ramesh Arumugam
Government Advocate

ORDER

This petition has been filed to direct the first respondent to include the name of the petitioner in the provisional selection list published on 30.07.2022 for the post of Lecturers (Physics) in Government Polytechnic Colleges (Engineering / Non-Engineering) for the year 2017-2018 vide notification dated 07.11.2019 and to direct the second respondent to consider the petitioner for appointment to the post of Lecturers (Physics).



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2. The case of the petitioner is that the first respondent issued a notification bearing Notification No.14 of 2019, dated 07.11.2019 calling for application for the post of lecturers in Government Polytechnic Colleges (Engineering/Non-Engineering) for the year 2017-2018. The applications are invited from eligible candidates for direct recruitment for the post of Lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non-Engineering) Tamil Nadu Educational Service for the year 2017-2018 only through online mode. The petitioner submitted an application for the said post for physics subject. The petitioner's Enrollment Number is TRBLGP553312 and she has also issued with hall ticket and the examinations were held on 08.02.2021. The petitioner has secured 146 marks out of 190 in the written examination as per the mark list published by the first respondent. In addition to the marks secured by the petitioner in the written examination, the respondents were providing three marks for qualification of M.Phil degree and 2 marks for teaching experience. The petitioner was having M.Phil qualification and teaching experience above 4 years. she was called for certificate verification after selecting in the written examination test. In the certificate verification, the petitioner produced the originals of M.Phil degree and teaching experience but she was awarded only 3 marks for M.Phil degree and she was not awarded 2 marks for teaching experience. If 2 marks for teaching experience was awarded,



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then the petitioner's mark will be 151, that is the cut off mark for the selection for BC women category.

3. Aggrieved by the same, the petitioner come forward with the present writ petition.

4. The learned counsel for the petitioner submitted that cut off mark for BC women category was 151 as per the respondent's result published in the website. The petitioner secured 146 marks in the written examination and she was granted 3 marks for M.Phil degree and she was not granted 2 marks for teaching experience. Hence, the petitioner secured 149 (146+3) marks. If the 2 marks was added, she will get the total mark of 151, which is cut off mark for BC Women category.

5. The learned Standing Counsel for the first respondent has filed a counter affidavit and drew attention of this Court to Paragraph Nos.13 and 14 of the counter affidavit. The relevant portion of the same is extracted hereunder:

13.It is submitted that the petitioner's claim after certificate verification shows the malafide intention to hinder the recruitment process which is finalised. The petitioner did not upload the teaching experience certificate in spite of the Board providing numerous opportunities at various point of time.



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Hence the claim of the petitioner is not acceptable at this length of time.

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14. It is submitted that the petitioner was awarded 3 marks for additional qualification (M.Phil). Therefore, the petitioner marks has been raised from 146 to 149, the last cut off mark for BC category is 152, BC W category is 151. Hence the petitioner was not in the zone of consideration for selection.

6. According to the learned Standing Counsel for the first respondent, the petitioner has not uploaded the teaching experience certificate in spite of board gave numerous opportunity at various point of time. Because of non-production of teaching experience certificate by the petitioner, 2 marks was not awarded to the petitioner.

7. In this regard, the learned counsel for the petitioner submitted that in similar case in W.P(MD)No.17580 of 2022, whereby, the first respondent awarded two marks for the teaching experience to the petitioner. In case on hand also, if the petitioner was granted 2 marks, the total will be 151, which is the cut off mark for BC women category. Against the order of the learned Single Judge, the first respondent has preferred writ appeal in WA(MD)No.549 of 2023 wherein, a judgment dated 06.06.2023, the order passed by the learned Single Judge in W.P(MD)No.17580 of 2022, dated 14.11.2022 was confirmed by the Division Bench of this Court. Subsequently, review application was also



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filed in Rev.Appl(MD)No.75 of 2023 and by order, dated 01.11.2023, review application was dismissed by the Division Bench of this Court. Hence, the order passed by the learned Single Judge in W.P(MD)No.17580 of 2022 reached finality.

8. According to the learned Standing Counsel for the first respondent, the above was complied by the first respondent.

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

10. In view of the above submission made by the learned counsels on either side, the total marks secured by the petitioner was 146 and 3 marks was added for M.Phil degree, then it comes to 149, if plus 2 marks for teaching experience was awarded, then the total marks secured by the petitioner will be 151, which is the cut off marks for BC Women category for the selection of the post of Lecturers in Government Polytechnic Colleges (Engineering/Non-Engineering).

11. At the time of admission of the writ petition, this Court granted an interim order, dated 04.08.2022 and the same is read as follows:



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“any appointment orders made pursuant to the provisional selection list shall be subject to the final decision in the present writ petition”.

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12. In view of the above, the second respondent is directed to consider the petitioner for the appointment of Lecturer (Physics) in the Government Polytechnic Colleges (Engineering/Non-Engineering) for the year 2017-2018, vide notification, dated 17.11.2019, if otherwise eligible as per the rules and regulations of the Teachers Recruitment Board. As per the interim order as well as the final order of this Court, the second respondent is also directed to rework the list of BC category as per the seniority in the selection list within period of 8 weeks from the date of receipt of copy of this order, since the petitioner was granted two marks for teaching experience.

13. The writ petition stands allowed with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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J.SATHYA NARAYANA PRASAD, J.

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