



W.P.(MD)No.21862 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.21862 of 2022

and

W.M.P.(MD)Nos.16023 and 16024 of 2022

V.Vivitha

... Petitioner

Vs.

1.Tamil Nadu Teachers Recruitment Board,
Represented by its Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

2.S.Angammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Provisional Selection List for the Direct Recruitment for the post of Lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non Engineering) for the year 2017-2018 issued by the 1st respondent in respect of the 2nd respondent (Serial Number 60) and quash the same as illegal to the extent non-conclusion of the petitioner and appoint the petitioner for the post of Lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non Engineering) for the year 2017-2018.

For Petitioner : Mr.R.J.Karthick
For R1 : Mr.V.R.Shanmuganathan
Standing Counsel



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ORDER

This writ petition has been filed challenging the Provisional Selection List for the Direct Recruitment for the post of Lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non Engineering) for the year 2017-2018 issued by the 1st respondent in respect of the 2nd respondent (Serial Number 60) as illegal to the extent non-inclusion of the petitioner and appoint the petitioner for the post of Lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non Engineering) for the year 2017-2018.

2.Heard Mr.R.J.Karthick, learned counsel for the petitioner and Mr.V.R.Shanmuganathan, learned Standing Counsel for the first respondent.

3.The petitioner has participated in the process of selection for the posts of Lecturers in Government Polytechnic Colleges and Special Institutions (Engineering/Non-Engineering), Tamil Nadu Educational Service for the year 2017-2018 and got selected. She has also participated in the process of certificate verification. Thereafter, the first respondent published the provisional selection list, in which the petitioner's name was not found. The petitioner and the second respondent had scored 143 marks in the recruitment



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process. Since the second respondent is elder than the petitioner, she was selected and the candidature of the petitioner was rejected.

4.The learned counsel for the petitioner submitted that the petitioner's candidature should not be rejected merely on the ground of date of birth. If two candidates secured equal marks in the competitive examination, the merits and eligibility of the candidates should be taken up for considering their candidature. He further submitted that the post of Lecturers as determined by All India Council for Technical Education (AICTE) is four year Bachelor Degree. There is no provision either in AICTE or in the TRB to select a candidate on the basis of date of birth.

5.The learned Standing Counsel for the first respondent submitted that the second respondent has secured 143 marks in the recruitment process. The cut of marks for the candidates under B.C. (W) category is 147. Since the petitioner and the second respondent has secured only 143 marks, the Board by following the Rules of procedure mentioned in G.O.(Ms)No.1223, Education (V2) Department, dated 12.07.1988, had selected the second respondent on the basis of the seniority, as the petitioner born on 03.07.1998, whereas the second respondent born on 06.07.1997. Without getting necessary cut off marks, the petitioner cannot claim any right in the process of selection.



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6.It is learnt from the records that the petitioner has secured 143 marks in the recruitment process for the post of Lecturers in Government Polytechnic Colleges and Special Institution for the year 2017-18 and the minimum cut off marks for the said post under BC-Women category is 147 marks. Since the petitioner and the second respondent had secured 143 marks, the first respondent, on the basis of seniority, had selected the second respondent. If the petitioner had secured more marks, then the petitioner can very well challenge the selection list. However, without being qualified by getting necessary cut-off marks, it is inappropriate on the part of the petitioner to challenge the selection list on the ground of illegality.

7.In view of the specific stand taken by the first respondent, I do not find any merits in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

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To

Tamil Nadu Teachers Recruitment Board,
Represented by its Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road, Chennai-600 006.



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R.N.MANJULA, J.

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