



W.P.(MD).No.22718 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22718 of 2022
and W.M.P(MD) Nos.16866, 16867 of 2022

M.Sivasakthi

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Secretariat, Chennai.
2. The Chairman / Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai -6.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notification issued by the 2nd respondent in his Notification No. 1E/2022, dated 17.09.2022 in so far as current vacancies in Home Science Subject is concerned and quash the same as illegal and consequentially to direct the Respondents to consider the petitioner in the light of notification / advertisement No.1 dated 09.09.2021 for the appointment to the post of P.G.Assistant (Home Science) taking into account of the marks



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secured by the petitioner either under GT (W) or BC(W) Category within the period that may be stipulated by this Court.

For Petitioner : Mr.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.G.Suryananth (R1)
Additional Government Pleader

Mr.V.R.Shanmuganathan (R2)
Standing Counsel for TRB

ORDER

The present writ petition has been filed challenging the impugned Notification issued by the 2nd respondent in Notification No. 1E/2022, dated 17.09.2022 in so far as the current vacancies in Home Science Subject is concerned and consequently to direct the respondents to consider the petitioner in the light of notification / advertisement No.1, dated 09.09.2021 for the appointment to the post of P.G.Assistant (Home Science) taking into account of the marks secured by the petitioner either under GT (W) or BC(W) Category within the period fixed by this Court.

2.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and



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learned Standing Counsel appearing for the second respondent. Perused the materials on record.

3.(i)The petitioner belonged to Backward Class Community and has completed B.Sc., (Home Science) during 2003, M.Sc., (Home Science) during 2008 and B.Ed., course during 2003-04 and as such she is eligible for appointment to the post of P.G.Assistant (Home Science).

(ii).While so, the first respondent decided to fill up the 3236 vacancies of Post Graduate Assistants/Physical Education Directors Grade I, Computer Instructor Grade I and P.G.Assistant (Home Science) Grade I for the year 2020-21 by conducting online examination through Teachers Recruitment Board, who is the second respondent herein. For the said purpose, the second respondent has published a notification No.01/2021, dated 09.09.2021, by which, applications were invited through online mode from eligible candidates for the direct recruitment for the post of Post Graduate Assistants/Physical Education Directors Grade I, Computer Instructor Grade I and P.G.Assistant (Home Science) Grade I. The petitioner being fully qualified for appointment of P.G.Assistant (Home Science) made an application under B.C.category by uploading all her certificates to the 2nd respondent through online mode. After



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scrutinizing the application, she was issued with a Hall Ticket for Computer Based Examination scheduled on 13.11.2021 and results were published by the second respondent on 22.08.2022, in which, the petitioner has secured 98 out of 150 marks.

(iii).While so, the second respondent vide proceedings, dated 28.08.2022 called for Certificate Verification scheduled on 02.09.2022. The petitioner also participated in the same. While she was eagerly waiting for appointment and posting order as P.G.Assistant (Home Science), to the shock and surprise of the petitioner, the second respondent published the provisional selection list on 17.09.2022, in which, the petitioner name was not found. On verification, the petitioner came to understand on the same day on 17.09.2022, the second respondent has issued an amendment notification, thereby, amending the Notification No.1/2021, dated 09.09.2021 and 27.08.2022 by reducing the number of current vacancies from 3236 to 3209. In the said notification, the total number of vacancies for P.G.Assistant (Home Science), which stood as 3 in the original notification No.1/2021, dated 09.09.2021 was reduced to 1 under M.B.C/DNC Category. Challenging the same, this writ petition came to be filed.



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4.The learned counsel appearing for the petitioner submitted that having called for three posts in the subject of P.G.Assistant (Home Science) and having completed the selection process, at the verge of issuance of provisional certificate, the second respondent ought not to have amended the notification. The act of the second respondent is illegal and hence, the impugned proceedings is liable to be quashed and the second respondent should be directed to accommodate the petitioner in the final selection list.

5.Per contra, Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the second respondent filed counter affidavit, additional counter affidavit along with P.G.Roster Register for the subject of Home Science and further submitted that the original Notification, dated 09.09.2021 had a clause in Page No.23 under the heading 'Note', and in that it is clearly noted that the estimated number of vacancies given in the notification is tentative and subject to modification. In view of the same, the amendment Notification made on 17.09.2022 cannot be questioned by the petitioner in any way and the same cannot be interfered. That apart, he also placed P.G.Roster before this Court and submitted that during selection process for the year 2018-19, the selection was done till the rotation No.1 Turn No.16(C) category was filled and due to



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non-availability of vacancy now the next rotation would be M.B.C/DNC and hence, only in accordance with the rules, the amendment Notification has been issued and the same need not be interfered and hence, the writ petition is liable to be dismissed.

6.A critical perusal of the Notification, dated 09.09.2021 would reveal that the estimated number of vacancies were only tentative and the relevant portion is extracted as follows:

*“**Note:** The estimated number of vacancies given above is tentative and subject to modification and inclusion of new posts as per the request from the User Departments for the same academic year.”*

7.I do not find any demerit in the amendment Notification, dated 17.09.2022 issued by the second respondent.

8.In view of the above, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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- To
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L.VICTORIA GOWRI, J.

PNM

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