



W.A.No.1311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.04.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.No.1311 of 2023

and

CMP.No.12968 of 2023

The Chairman,
Teachners Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

... Appellant

Vs.

1. A.Venkatesan, 48 years,
S/o. M.Arumugam,
No.142, Pillaiyar Koil Street,
Pereppery Village, Keelveedhi Post,
Nemeli Taluk, Vellore District.

2. The Director of School Education,
Directorate of School Education,
Nungambakkam, Chennai – 600 006.

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the

WEB COPY order passed in W.P. No.996 of 2019 dated 09.12.2022.

For Appellant : Mr. R.Neelakandan
Additional Advocate General
Assisted by Mr.K.Sathishkumar

For R1 : Mr.K.V.Sajeev Kumar for Reshmi Chetty

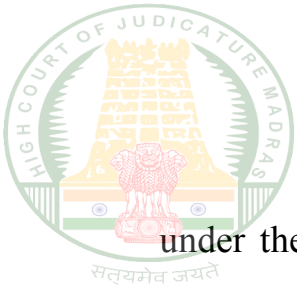
For R2 : Mr.J.C.Durairaj, Additional Government Pleader

J U D G M E N T

(Delivered by Dr. A.D. Maria Clete, J)

This writ appeal is filed by the Teachers Recruitment Board (TRB) against the order dated 09.12.2022 passed by the learned Single Judge in W.P. No.996 of 2019, whereby a direction was issued to include the name of the writ petitioner (first respondent herein) in the selection list for the post of Special Teacher (Drawing) and forward the same for appointment.

2.The facts of the case is that the Teachers Recruitment Board issued Notification No.5/2017 dated 26.07.2017 for direct recruitment to the post of Special Teachers, including Special Teacher (Drawing). The writ petitioner applied



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under the Most Backward Class (MBC) category claiming further benefit under the Priority Special Tamil Medium (PSTM) category.

3.After clearing the written examination, the writ petitioner was called for Certificate Verification held on 13.08.2018. During Certificate Verification, the petitioner failed to produce the PSTM certificate in the prescribed format as required under the notification and instructions. Consequently, his candidature under the PSTM category was rejected, and he was not included in the selection list. Challenging the exclusion, the writ petitioner filed W.P. No.996 of 2019.

4.The learned Single Judge, after hearing the parties, observed that it was not possible to conclusively ascertain whether the petitioner had produced the PSTM certificate at the time of Certificate Verification. Proceeding on the footing that when doubts exist regarding production, benefit should be given to the candidate who was in possession of the PSTM certificate as on the date of certificate verification, the learned Judge directed inclusion of the petitioner's name in the selection list. Further, the learned Single Judge relied upon an interim order passed earlier in the writ proceedings, whereby one post was directed to be kept vacant pending the final disposal of the writ petition. On these two grounds



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— presumed production and vacancy reservation — the relief was granted.

Aggrieved thereby, the TRB has filed the present writ appeal.

5.The primary contentions raised in the appeal is that TRB submitted that Production of all requisite certificates, particularly for claiming priority under PSTM, at the time of Certificate Verification is mandatory. Possession of a certificate alone is insufficient; production at verification is the key requirement. No documentary proof was available on record to show that the petitioner actually produced the PSTM certificate during verification. The learned Single Judge erred in presuming facts in favor of the writ petitioner without any material evidence. Interim directions to keep one post vacant were merely protective orders and do not confer any substantive right to appointment unless eligibility is established. Reliance was placed on the judgment of this Court in **Secretary, TRB v. Vijayalakshmi R.**, in W.A.No.404 of 2020 & batch dated 16.03.2020 affirming that production of certificates at the verification stage is mandatory and non-production disentitles a candidate from claiming any relief.

6.Heard the parties and perused the materials available on record.



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7. Upon careful consideration of the rival submissions and records, this Court finds merit in the appeal. At the outset, it is not disputed that under the terms of the notification and Annexure II, the production of requisite certificates, including the PSTM certificate, at the time of Certificate Verification was a mandatory requirement. The writ petitioner's claim for preferential consideration under the PSTM quota depended entirely on the production of a valid certificate in the prescribed format during Certificate Verification.

8. In the present case, there is no specific averment or any material placed by the writ petitioner to show that the PSTM certificate was produced at the time of Certificate Verification held on 13.08.2018. The verification records maintained by the Board clearly reflect non-production. No contemporaneous acknowledgment or other acceptable proof was filed by the writ petitioner to demonstrate compliance.

9. It is a fundamental principle that when eligibility or entitlement under a reservation category is claimed, strict compliance with procedural requirements is



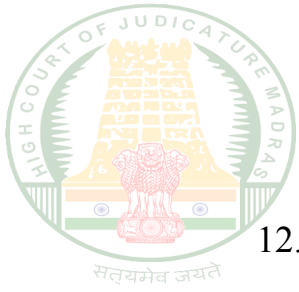
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necessary. Production of certificates at the stage prescribed by the recruitment

authority is not a mere technicality but an essential part of the selection process ensuring fairness and uniformity among candidates.

10.As laid down by this Court in **Secretary, TRB v. Vijayalakshmi R.**, in W.A.No.404 of 2020 & batch dated 16.03.2020 it is well settled that production of certificates at the time of Certificate Verification is a sine qua non to claim reservation or preference. Subsequent submission or reliance upon mere possession is impermissible. Thus, even if the petitioner might have possessed the requisite PSTM certificate, non-production at the verification stage is fatal to his claim.

11.Mere possession of a certificate or subsequent procurement cannot cure the failure to produce the same when required. Candidates are responsible for producing all necessary documents during Certificate Verification to establish their eligibility. Courts cannot presume facts in favor of candidates contrary to records or relax mandatory procedural requirements in matters of public employment.



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12.Further, interim directions passed during pendency, such as keeping a post vacant, do not create substantive rights. Such interim protections merely preserve the status quo pending adjudication but cannot override eligibility norms prescribed under the recruitment process. Final orders must always be governed by the candidate's compliance with rules at the relevant stage.

13.In the present case, since the petitioner failed to produce the requisite PSTM certificate at the crucial stage of verification, his claim for inclusion in the selection list is unsustainable, irrespective of subsequent events. Thus, both on legal principle and factual assessment, the learned Single Judge's approach is unsustainable and requires interference.

14.For the reasons stated above, the writ appeal is allowed. The order dated 09.12.2022 passed in W.P. No.996 of 2019 is set aside. Consequently, the writ petition stands dismissed. There shall be no order as to costs. Connected miscellaneous petitions, if any, are closed.



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NCC : Yes / No

Index : Yes / No

Internet : Yes / No



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(R.S.K., J)

(A.D.M.C., J)

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R.SURESH KUMAR, J
and
DR. A.D. MARIA CLETE, J

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To

- 1.The Chairman,
Teachners Recruitment Board,
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DPI Compound, College Road,
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- 2.The Director of School Education,
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