



W.P.No.28543 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.28543 of 2018

M.Nandakumar,
S/o. P.Marimuthu,
Residing at 290/4. Therku Kadu,
Seshanchavadi (PO), Valapdi Taluk,
Salem – 636 111.

... Petitioner

Vs.

The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath building,
Chennai – 600 006.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records in proceedings No. Nil published in official website of respondent, dated 16.10.2018 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to select the petitioners as physical education teachers based on the Degree awarded by the recognized university and for consequential orders.



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For Petitioner : Mr.Avinash Madhuvani
for Ms.V.Srimathi

For Respondent : Mr.C.Kathiravan
Standing Counsel for TRB

ORDER

This writ petition has been filed to quash the proceedings of the respondent dated 16.10.2018 and further direct the respondent to select the petitioner as Physical Education Teacher based on the Degree awarded by the recognized university and for consequential orders.

2. The petitioner had applied to the post of Physical Education Teacher in view of the notification issued by the first respondent TRB on 26.07.2017 vide Notification No.5/2017. The petitioner had secured 67 marks in his written examination and was awarded with 3 marks by giving credit to his employment seniority.

3. Mr.Avinash Wadhwani, the learned counsel for the petitioner submitted that the petitioner had graduated in Bachelor in Physical Education from Annamalai University in the year 2005 and registered in the employment exchange with the said certificate in the year 2005 itself. Now

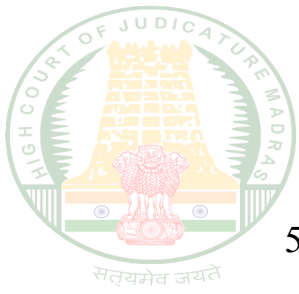


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the petitioner claims that if his qualification in Bachelor in Physical Education has been considered as equivalent to Bachelor in Physical Education and Sports as prescribed in the notification, the petitioner would get the benefit of getting 5 marks for his employment seniority instead of 3 marks. The cut off mark for the petitioner's category MBC / DNC male is fixed as 72 marks. The petitioner gathered an information that two of the candidates who have been selected for having the above cut off did not present during the verification process penultimate to the issuance of the appointment order. The petitioner claims that there are vacancies and he could have been accommodated as against the said vacancies as he would also have minimum cut off marks of 72 marks.

4. Mr.C.Kathiravan, the learned Standing Counsel for the respondent, submitted that the Government has issued Government Order in G.O.Ms.No.9, Youth Welfare and Sports Development (YW2) Department dated 27.01.2020 by considering the petitioner's qualification as equivalent to the similar degrees acceptable for the purpose of employment in public service.



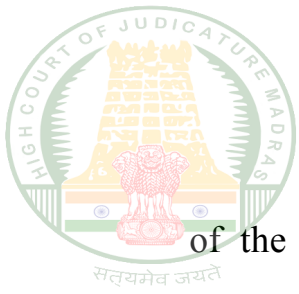
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5. In such case the petitioner's case could have been considered long back as the petitioner had filed the writ petition as early as in the year 2018 itself. A similar order has been passed in the case of a similarly placed person by the Division Bench of this Court in the case of R.Padmini Vs. The Chairman, Teachers Recruitment Board in W.A.No.3275/2019 dated 30.07.2020, wherein it is held as under:

“ ... 11. In the light of the above, we are also inclined to allow this writ appeal by setting aside the order of the learned Single Judge. Therefore, the impugned order passed by the learned Single Judge is set aside. The respondent is therefore directed to consider the candidature of the appellant in terms of the Government Orders referred to above and in the said decision of the Hon'ble First Bench of this Court.”

6. In fact in the writ appeals filed by the similarly placed persons in W.A.No.3812/2019 & batch dated 30.01.2020, the Additional Advocate General appeared for the State had given an undertaking that in the event of the Government issuing the orders for equivalence, the Government shall consider the candidature of the applicants, provided they fulfil other eligibility conditions. In the case of the petitioner there is no quarrel about his other eligibility criteria except the fact that his Bachelor degree in Physical Education has not been considered as the degree equivalent to that



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of the qualification prescribed in the notification. As the same has got rectified in view of *G.O.Ms.No.9, Youth Welfare and Sports Development (YW2) Department dated 27.01.2020* and the vacancies also found to be available, it is obligatory on the part of the first respondent to consider the candidature of the petitioner in order to include him in the selection list and do the needful as he would come under the zone of consideration by securing 72 marks (cut off), within a stipulated period.

7. In the result, the Writ Petition is disposed and the first respondent is directed to consider candidature of the petitioner in order to include him in the selection list and do the needful within a period of six weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed.

26.02.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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