



W.A.(MD)No.833 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.833 of 2020
and
C.M.P.(MD)Nos.4614 and 6361 of 2020**

1.The Chairman,
Tamilnadu Teacher's Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600006.

2.The Member Secretary,
Tamilnadu Teacher's Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai-600006.

... Appellants

Vs.

1.S.Kavitha

2.P.Asai Geethan

3.M.Vaishnavi

4.A.Nirmala

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.8837 of 2017 dated 10.04.2019 on the file of this Court.

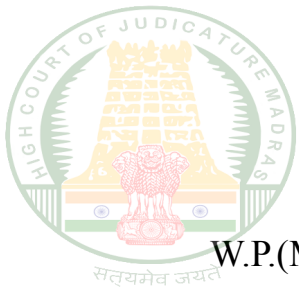
For Appellants : Mr.T.Amjadkhan,
Government Advocate.

For Respondents : Mr.C.Kishore for R1
No appearance for R2 to R4

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The first respondent herein / S.Kavitha applied in response to the recruitment notification issued by TRB calling for applications for the post of Assistant Professor in Government Engineering Colleges for the years (2013 – 2014 and 2014 – 2015). The writ petitioner scored 95 marks in the selection process. She was however not selected. The writ petitioner comes under SC(W) category. Challenging the selection list particularly in respect of the respondents 2 to 4 herein, she filed



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W.P.(MD)No.8837 of 2017. The learned Single Judge disposed of the writ petition in the following terms:-

“25.We are not disputing the fact that in the of selection of candidates, opinion the Selection Committee should be final, but at the same time, the Selection Committee cannot act arbitrarily and cannot change the criteria/qualification in the selection process during its midstream. Merajuddin Ahmad did not possess a degree in pure Chemistry and therefore, it was rightly held by the High Court that he did not possess the minimum qualification required for filling up the post of Lecturer Chemistry, for pure Chemistry and Industrial Chemistry are two different subjects.

26.The advertisement which was issued for filling up the post of Lecturer in Chemistry could not have been filled up by person belonging to the subject of Industrial Chemistry when the same having been specifically not mentioned in the advertisement that a Masters Degree holder in the said subject would also be suitable for being considered. There could have been intending candidates who would have applied for becoming candidate as against the said advertised post, had they known and were informed through advertisement that Industrial Chemistry is also one of the qualifications for filling up the said post.”

Surprisingly, the selected candidates whose selection was set aside have not filed any writ appeal. It is only the recruiting agency which has filed this writ appeal.



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3.The learned Government Advocate appearing for the appellants reiterated all the contentions set out in the grounds of appeal and called upon this Court to set aside the order of the learned Single Judge and allow this writ appeal.

4.Per contra, the learned counsel for the writ petitioner submitted that Asai Geethan had passed the eligibility examination (SET) only in October 2016. The certificate of pass was issued only in January 2017. The recruitment notification clearly states that the candidate must produce certificate that was issued on or before 07.09.2016. He would add that when Asai Geethan submitted his application even though he had not formally passed SET examination, he had made a misrepresentation as if he had cleared SET test.

5.As regards the third respondent namely Vaishnavi, even though she does belong to scheduled caste community, she produced the proper community certificate issued only on 23.01.2017.



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6.As regards the fourth respondent herein namely A.Nirmala, the teaching experience certificate was not produced on the date of certificate verification. He called upon this Court to sustain the order of the learned Single Judge and dismiss the writ appeal.

7.We carefully considered the rival contentions and went through the materials on record. We will take up the case of A.Nirmala first. A.Nirmala had secured 97 marks in all. It included two marks awarded for teaching experience. On 10.02.2017, that is the date of certificate verification, she produced the web copy. This was not acceptable to the Board. Therefore, she was called upon to produce a certified copy. The same was duly produced by her on the next day. We are of the view that the appellant / Board cannot be accused of having committed any serious irregularity in the matter of selection of A.Nirmala.

8.As regards M.Vaishnavi, she undoubtedly belongs to Adi Dravidar community which is a notified scheduled caste. She had produced the community certificate dated 05.09.2003. In the said certificate, even though her father's name / Mani was mentioned, the



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name of the grandfather was struck off. The Board therefore called upon her to submit a fresh certificate. Thereupon, a community certificate that was issued on 23.01.2017 was produced by Vaishnavi. What actually happened had been clarified by the Board in their counter affidavit in Paragraph No.12. Paragraph No.12 of the counter affidavit reads as follows:-

“12.It is submitted that at the time of certificate verification the 4th respondent submitted community certificate in the name of the father not in the name of grandfather where in some corrections were found. So certificate verification Board directed the 4th respondent to furnish community certificate without any corrections. Accordingly the 5th respondent furnished community certificate without any correction. So the Board accepted the community certificate furnished by the petitioner as 'valid' and the petitioner was provisionally selected. Hence the selection of above 4th respondent is in order.”

9.The explanation given by the Board in the counter affidavit is quite convincing. Vaishnavi had actually produced a certificate issued before the cut off date. Since there was some overwriting, doubt arose in the minds of the Board members. This was later clarified. Therefore, her



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selection also cannot be characterized as invalid.

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10.Coming to the case of Asai Geethan, the Board does appear to have erred. The certificate produced by Asai Geethan on the date of certificate verification was issued on 12.01.2017. It is clearly after the cut off date.

11.Asai Geethan admittedly wrote the examination held on 21.02.2016. The result was published later. Since Asai Geethan had eventually cleared the test, it would date back to 21.02.2016. What swayed our mind is the fact that Asai Geethan had scored 120 marks. He also belongs to scheduled caste. Even if Asai Geethan's selection is set aside, that will not enure to the benefit of the writ petitioner. For the last eight years, he is in service. We would also rest our conclusion on another ground. In service matters, only an aggrieved individual can mount a challenge. The writ petitioner cannot feel aggrieved by the selection of Asai Geethan. He lacks the *locus standi* to challenge his selection.



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12.For reasons mentioned above, the order of the learned Single Judge is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
14.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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