



W.P.(MD).No.9500 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.9500 of 2019
and
W.M.P.(MD).Nos.7475 to 7477 of 2019

N.Vijayakumar

.. Petitioner

Vs.

1.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.

2.The Assistant Director,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.

3.The Director of Government Examinations,
College Road,
Chennai – 600 006.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Tentative Provisional Selection List issued by the 1st and 2nd respondents in the subject Drawing pertaining to the Department of Directorate of School Education in pursuant to CV date: 13.08.2018 and quash the same as



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illegal and consequently direct the 1st and 2nd respondents to redraw the selection list and appoint him as Drawing Teacher in the quota reserved for candidates who studied in Tamil Medium.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned Tentative Provisional Selection List issued by the first and second respondents in the subject Drawing pertaining to the Department of Directorate of School Education in pursuance to CV date: 13.08.2018 and consequently, to direct the first and second respondents to redraw the selection list and appoint him as Drawing Teacher in the quota reserved for candidates who studied in Tamil Medium.

2. Admittedly, the issue involved in this Writ Petition is no longer *res integra* and more particularly, the petitioner herein is mainly relying on the order passed by the learned Single Judge in the case of ***G.Anandhakrishnan Vs. The Chairman, Teachers Recruitment Board and others*** in ***W.P.Nos.28458 of 2018 etc., batch dated 12.03.2019***. However, the very same order was



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challenged before the Division Bench in the case of ***the Secretary, Department of School Education, Fort St.George, Chennai Vs. R.Vijayalakshmi in W.A.Nos.404 of 2020 etc., batch.***

The Division Bench, by judgment dated 16.03.2020, has elaborately discussed the issues raised including the issue raised by the petitioner herein and has held that the candidates are not entitled to get any benefit and had set aside the order of the learned Single Judge. The relevant portion of the judgment reads as follows:

“44. Now coming to the impugned judgments, what we find is that the learned Single Judge has proceeded on the strength of a pragmatic approach and on the basis of assumption drawn in paragraphs 8 to 10 of the impugned judgment. In our opinion, hypothetical calculations without any facts or figures, and on mere presumptions that calling upon the candidates to obtain certificates would generate some corrupt practice, cannot be a ground to write off the rules, the law laid down in this regard and the arguments based on facts that were before the learned Single Judge. We find this approach of the learned Single Judge to be non-judicious and pragmatism cannot take over legalism. We should remember whatever is legal is just, but while doing justice, we cannot ignore the law particularly in service jurisprudence where it is governed by a set of Rules. As observed above, any deviation from the Rule would violate Articles 14 and 16 of the Constitution of



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India. In such circumstances, the approach of the learned Single Judge to carve out a pragmatic approach and then to issue directions on the ground that the authorities are bound to verify the same does not appear to be correct. The certification is an evidence of the fact that the concerned candidate has acquired the qualification in Tamil medium instruction and it is then only that a reservation can be claimed under the Act and the provisions aforesaid. The impugned judgments, therefore, have not taken into consideration the issues advanced and the answer is based on surmises which cannot be supported either in fact or in law. The relevant provisions as reproduced herein above were not even set out or discussed in the impugned judgments.

45. In service jurisprudence where Rules are in place, then the key proposition raised has to be examined on the basis of the Rules. Unless Rules are held to be ultra vires or otherwise illegal, the Court does not enjoy a legal space to pronounce a method which amounts to altering the Rules itself. One has to keep in mind the adage that the job of the Court is to iron out the creases and not weave a new texture. In the absence of any ambiguity, efforts should be to uphold the process if it is valid and in accordance with the Rules. To provide something better which may run counter to the Rules is not within the realm of this Court, unless there is any material to support the same. This



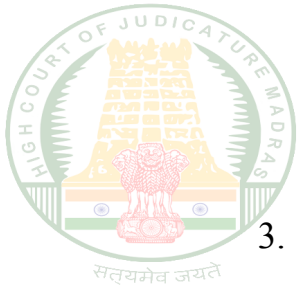
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would be legal adventurism and any amount of hardship or inconvenience cannot be a ground to direct another process to be followed. The incapacity of the candidates to provide the certificate cannot be translated into a non-requirement. An assertion of a belief of pragmatism is insufficient to substitute an already existing Rule. A perception as to what would be more practical takes the shape of pragmatism, which is a belief bias. Belief bias has been described by **Andrew Goodman** in his book '**How Judges decide Cases**' as “An effect where someone's evaluation of the logical strength of an argument is biased by the believability of the conclusion”. The Court cannot believe something and then proceed to justify it. The justification for the belief has to precede the conclusion. The Rule of Law therefore has to be adhered to and the law cannot be legislated by laying down the procedure, which in the opinion of the Court might be a better proposition. This would violate the Rule of Law. To arrive at this conclusion, we have stepwise analyzed the entire dispute and are therefore of the opinion that the writ petitions deserve to be rejected and ought not to have been allowed.

46. Accordingly, we allow all the appeals and set aside the impugned judgments dated 12.03.2019 and 28.03.2019 and dismiss all the writ petitions.”



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3. In view of the above discussion, the relief claimed by the petitioner could not be granted. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
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Chennai – 600 006.
- 2.The Assistant Director,
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K.RAJASEKAR,J.

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