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W.P.(MD) No.19207 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.19207 of 2022

and

W.M.P.(MD) Nos.14000, 14002 & 14005 of 2022

R.Vijayasekar

... Petitioner

-vs-

- 1.The Chairman
Teacher Recruitment Board
College Road, Chennai-600 006
- 2.The Director of Technical Education
Guindy, Chennai-600 025
- 3.The Principal
Government Engineering College
Salem
- 4.A.Muthumanickam
[R3 & 4th Respondent are *suo motu*
impleaded vide court order dated
11.11.2022 in W.P.(MD) No.19207 of 2022]

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the 1st respondent's impugned provisional selection list dated 23.07.2022 proceeding Nil in the direct recruitment for the post of Lectures in Government polytechnic colleges and special institutions (engineering / non engineering) and quash the same and consequentially direct the respondents to provide the weight age marks and select the petitioner in the post of lecturer in textile technology department in Government polytechnic colleges and special institutions (engineering / non engineering).

For Petitioner : Mr.S.Karthik

For Respondents : Mr.T.Amjad Khan
Standing Counsel for R1
Mr.P.T.Thiraviam
Government Advocate for R2 & R3

ORDER

This writ petition has been filed challenging the impugned provisional selection list dated 23.07.2022, issued by the first respondent, not including the petitioner's name for the post of Lecturer in Textile Technology



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Department in Government Polytechnic Colleges and Special Institutions
(Engineering / Non Engineering).

2. Pursuant to a recruitment notification, the petitioner applied to the post of Lecturer in Textile Technology Department in Government Polytechnic Colleges and Special Institutions (Engineering / Non Engineering). His name has not been included in the impugned provisional selection list dated 23.07.2022, issued by the first respondent. The petitioner claims that he has satisfied all the requirements for getting selected to the subject post in Government Polytechnic Colleges and Special Institutions (Engineering / Non Engineering) and also he claims that he was successful in the examination conducted as per the recruitment process. The petitioner had applied for the post of Lecturer in Textile Technology Department under the “General Turn” category.

3. The following are the undisputed facts with regard to the marks secured by the petitioner in the examination:

- (a) He had secured 126 marks in the written examination.



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- (b) He was awarded 3 marks for his Post Graduate Degree qualification.
- (c) The selected candidates, as per the impugned provisional selection list, were awarded 120 marks for the written examination; 5 marks for the Ph.D. qualification; 3 marks for the Post Graduate Degree qualification and 2 marks for the experience qualification.

4. The dispute raised by the respondents is that the petitioner is not eligible to be awarded marks for his past experience, since he did not produce the requisite experience certificates as per the recruitment notification. However, the same has been disputed by the petitioner, who claims that he has produced the relevant experience certificates as per the recruitment notification and therefore, he is eligible to be awarded two marks for his past experience.



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5. A counter affidavit has been filed by the first respondent denying the contention of the petitioner that he has produced the experience certificates as required under the recruitment notification. The first respondent claims that the experience certificates produced by the petitioner were returned, since they were deficient as they were not countersigned by the concerned authorities.

6. This Court, by its order dated 29.11.2022, after recording the submissions of the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 2 & 3, directed the petitioner to file an additional affidavit in the light of the assertion made by the learned Special Government Pleader that the experience certificate submitted by the petitioner was returned to the petitioner, since there were deficiencies. However, till date, no additional affidavit has been filed by the petitioner as directed by this Court in its earlier order dated 29.11.2022, despite the lapse of nearly three years from the date of the said direction having been given by this Court.



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7. However, learned counsel for the petitioner would submit that on the ground of technicalities, this Court need not reject this writ petition. He would once again reiterate the contents of the original affidavit filed by the petitioner before this Court and would submit that only on account of large number of persons applying for experience certificates, there were some discrepancies in the experience certificate produced by the petitioner along with the online application seeking for appointment to the subject post. He also drew the attention of this Court to the experience certificate, dated 12.02.2020, produced by the petitioner, which has been filed as a document along with the typed set of documents. However, as seen from the said certificate, excepting for the office seal, no signature of the competent authority is found. Learned Standing Counsel appearing for the first respondent also points out the same during the course of his submissions. According to him, only due to the fact that the experience certificates produced by the petitioner were not proper, the same were returned to enable the petitioner to produce proper genuine experience certificates as per the requirements of the recruitment notification. Learned Standing Counsel appearing for the first respondent would submit that since the experience certificates produced by the petitioner were not proper, the question of



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awarding two marks for the petitioner towards his past experience does not arise. Therefore, according to him, only by following the due procedure established under law, the meritorious candidates were selected as per the impugned provisional selection list.

8. Learned Standing Counsel appearing for the first respondent would also submit that the entire selection process is over and the selected candidates, as per the impugned provisional selection list, have already been issued appointment orders and they have also taken charge of their respective Lecturer position in the respective colleges. Therefore, at this stage, he would submit that, the question of entertaining this writ petition does not arise.

9. Learned counsel for the petitioner would submit that the petitioner is prepared to file an additional affidavit, as directed by this Court in its earlier order dated 29.11.2022, even though in the original affidavit filed in support of this writ petition, the petitioner had made an averment that only due to large number of persons seeking for experience certificates, there were some discrepancies in the issuance of the experience certificate by the competent authority.



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10. However, at this belated stage that too when the entire selection process has got over and that too, after a lapse of nearly three years when this Court had directed the petitioner to file an additional affidavit i.e., on 29.11.2022, this writ petition cannot be entertained.

11. Learned counsel for the petitioner would also submit that on the ground of technicalities, the petitioner should not suffer. He would submit that since the petitioner has satisfied all the requirements, he should not be deprived of getting selected to the subject post. In support of the said contention, learned counsel for the petitioner drew the attention of this Court to a decision of the Honourable Supreme Court in the case of ***Dolly Chhanda vs. Chairman, JEE and others***, reported in ***(2005) 9 SCC 779***.

12. However, as seen from the aforesaid decision, it was a case, wherein it was an undisputed fact that the eligible candidate was wrongly denied selection, despite he having satisfied all the requirements for selection as per the recruitment notification. Only under those circumstances, when the candidate was not at fault, he was directed to be appointed to the subject post.



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counsel for the petitioner that technicality cannot be a ground for rejecting the petitioner's appointment to the subject post does not arise. Even during the admission stage, this Court had only passed an interim order that the selection process, as per the impugned provisional selection list, will be only subject to the result of this writ petition and there was no interim direction granted in favour of the petitioner to the respondents directing them to keep one post vacant, in case the petitioner succeeds in this writ petition. Therefore, the decision relied upon by the learned counsel for the petitioner reported in **(2005) 9 SCC 779** does not have any applicability to the facts of the instant case, since in the said decision, it was a case, where for no fault of the candidate and since a clear finding was available that the candidate was wrongly denied selection, the Honourable Supreme Court interfered with the selection process. But, in the case on hand, it is not so. Since the experience certificate produced by the petitioner was not proper and only due to the said reason, the respondents have not awarded any marks for the petitioner's past experience, he has not been appointed to the subject post, which, in the considered view of this Court, cannot be treated to be improper. Only by following the due procedure established under law, the selection process got over and the selected candidates have been named in the impugned



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provisional selection list. When there was a discrepancy in the experience certificate produced by the petitioner, though he claims that he is prepared to rectify the same by re-submitting the same in accordance with the requirements of the recruitment notification, the question of considering the said request, at this belated stage, does not arise and if the same is entertained, floodgates will be opened and similarly placed persons, like the petitioner, may also claim appointment to the subject post for the same reason.

15. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.11.2025

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

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To:

- 1.The Director of Technical Education,
Guindy, Chennai-600 025.
- 2.The Principal,
Government Engineering College,
Salem.



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ABDUL QUDDHOSE, J.

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