



W.A(MD) Nos.184, 186, 302 & 463 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.06.2025

CORAM

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

**W.A(MD) Nos.184, 186, 302 & 463 of 2023
&
C.M.P.(MD)Nos.2339, 2364, 3402 & 4753 of 2023**

In W.A.(MD)No.184 of 2023

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

2.The Teachers Recruitment Board,
Represented its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

... Appellants / Respondents

Vs.

1.S.Manjari

... 1st Respondent /
Petitioner in W.P.(MD)No.7012 of 2019

2.The Commissioner / Director,
Department of Most Backward &
Denotified Communities Welfare,
Chennai-600 005.

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3.The Joint Director of Kallar Reclamation,

Office of the Joint Director of Kallar Reclamation,

Madurai-20.

... Respondents 2 & 3/

Respondents 2 & 3

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the interim order dated 09.03.2021 in W.P. (MD)No.7012 of 2019 on the file of this Court.

For Appellants : Mr.T.Amjed Khan

Government Advocate

For Respondent : Mr.T.Aswin Rajasimman
for R1

: Mr.C.Venkateshkumar

Special Government Pleader
for R2 & R3

In W.A.(MD)No.186 of 2023

1.The Chairman,

Teachers Recruitment Board,

4th Floor, EVK Sampath Maaligai,

DPI Campus, College Road,

Chennai-600 006.

2.The Teachers Recruitment Board,

Represented its Member Secretary,

4th Floor, EVK Sampath Maaligai,

DPI Campus, College Road,

Chennai-600 006.

... Appellants / Review Petitioners /
Respondents



W.A(MD) Nos.184, 186, 302 & 463 of 2023

Vs.

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1.S.Manjari

... 1st Respondent /
Petitioner in W.P.(MD)No.7012 of 2019

2.The Commissioner / Director,
Department of Most Backward &
Denotified Communities Welfare,
Chennai-600 005.

3.The Joint Director of Kallar Reclamation,
Office of the Joint Director of Kallar Reclamation,
Madurai-20.

... Respondents 2 & 3/
Respondents 2 & 3

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying
this Court to set aside the interim order dated 24.08.2022 in Rev.Aplw.
(MD)No.76 of 2021 on the file of this Court.

For Appellants : Mr.T.Amjed Khan
Government Advocate

For Respondent : Mr.T.Aswin Rajasimman
for R1

: Mr.C.Venkateshkumar
Special Government Pleader
for R2 & R3



W.A(MD) Nos.184, 186, 302 & 463 of 2023

In W.A.(MD)No.302 of 2023

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The Teachers Recruitment Board,
Represented by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

... Petitioner / 3rd Respondent

Vs.

1.C.Jeevitha

... 1st Respondent / Writ Petitioner

2.The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Elementary Education Department,
St.George Fort, Chennai-9.

3.The Director of Elementary Education,
Chennai-600 006.

4.The Commissioner / Director,
Most Backward & De-notified Communities Welfare,
Chennai-600 005.

5.The Joint Director,
Kallar Reclamation,
Madurai 20.

6.M.Vanitha

... Respondents 2, 3,4,5,6 /
Respondents 1,2,4,5&6

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying
this Court to set aside the order dated 20.12.2022 in Rev.Aplw.(MD)No.
90 of 2022 on the file of this Court.



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For Appellants : Mr.T.Amjed Khan
Government Advocate

For Respondent : Mr.G.Karthik
for M/s.Lajapathi Roy Associates
for R1

: Mr.C.Venkateshkumar
Special Government Pleader
for R2 to R5

In W.A.(MD)No.463 of 2023

The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
DPI Compound College Road,
Chennai-600 006.

...Appellant / 2nd Respondent

Vs.

1.T.Uthayarani

... 1st Respondent / Petitioner

2.The Principal Secretary to Government,
School Education (TRB) Department,
Secretariat,
Fort St.George,
Chennai-600 009.

3.The Director of School Education,
College Road,
Chennai-600 006.

4.The Director of Elementary Education,
College Road,
Chennai-600 006.

... Respondents 2, 3 & 4 /
Respondents 1,3&4



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 17.03.2022 in W.P.(MD)No.17454 of 2014 on the file of this Court.

For Appellants : Mr.T.Amjed Khan
Government Advocate

For Respondent : Mr.I.Robert Chandrakumar
for R1

: Mr.C.Venkateshkumar
Special Government Pleader
for R2 to R5

COMMON ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

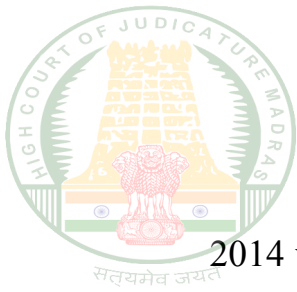
2. The case on hand pertains to filling up of 64 vacancies in the post of secondary grade teacher in the Kallar Reclamation School. The recruitment process dates back to the year 2012-13. During the relevant time, it became necessary that the candidate should possess TET



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qualification also. Since the TET qualified candidates were scarce in number, instead of resorting to competitive examination, the department chose to appoint the persons possessing the requisite qualification based on weightage marks. In this regard, the notification was issued on 21.08.2014. The selection list was published on 17.10.2014. Alleging that they were erroneously excluded, two individuals namely Uthayarani and Jeevitha filed W.P.(MD)No.17454 of 2014 and W.P.(MD)No.17829 of 2014. In Uthayarani's case, interim stay was granted. Subsequently, the said order was modified. One post was directed to be kept vacant. It is relevant to note that in Jeevitha's case, no interim order was granted.

3. Subsequently, one Sudalaimani filed W.P.(MD)No.17255 of 2014 challenging the reservation policy adopted while recruiting the candidates for the Kallar Reclamation Schools. In the said writ petition, interim stay was granted permitting to fill up the vacancies to the tune of 80%. The remaining 20% vacancies were ordered to be kept vacant. As a result, out of 64 posts, only 49 posts were filled up and the remaining 15 were kept as vacant. Eventually, W.P.(MD)No.17255 of



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2014 was withdrawn on 24.08.2018. Since W.P.(MD)No.17255 of 2014

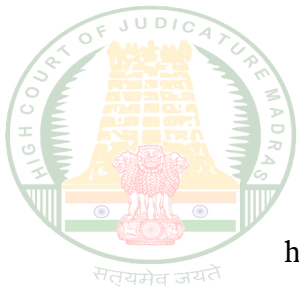
was withdrawn, there was no bar for filling up the remaining 15 posts.

Therefore, one Maheswari and Jagadeesh filed W.P.(MD)No.3926 of 2019 and one Manjari filed W.P.(MD)No.7012 of 2019. The prayer made in both the writ petitions was that the entire selection list should be exhausted. The learned single Judge vide order dated 09.03.2021 allowed both the writ petitions in the following terms:-

“The petitioners herein had participated in the selection process conducted by the second respondent herein for the post of Secondary Grade Teachers in the Kallar Reclamation School and their names have also been included in the provisional section list dated 17.10.2014. Since the appointment orders have not been issued in their favour, the present writ petitions have been filed. The only reason assigned by the second respondent for non-issuance of the appointment orders is that there was an order of interim stay granted by this Court in W.P(MD)No.17454 of 2014 filed by one of the candidates.

2.Today this Court has passed an order in W.M.P(MD)No.1 of 2014 in W.P(MD)No.17454 of 2014 filed by one Mrs.T.Uthayarani, whereby, the interim order of stay was vacated and modified to the effect of one post of Secondary Grade Teacher in any of the BC & MBC Welfare Department schools can be kept vacant. As such there is no impediment on the part of the second respondent herein to propose the name of the petitioners herein for the purpose of issuance of appointment orders.

3.In the light of the above observations, writ of mandamus is



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hereby issued to the second respondent herein directing them to include the petitioners' name in the final provision list and consequently, forward the same to the fourth respondent herein for the purpose of issuance of appointment orders.

4.The second respondent herein shall endeavour to forward the petitioners name at least within a period of four weeks from the date of receipt of a copy of this order.

5.These writ petitioners are allowed accordingly.”

4. Likewise, the writ petition filed by Udhayarani and Jeevitha were also allowed by the learned single Judge on 17.03.2022 in the following terms:-

“11. Referring to the above said Communication, the learned Counsel for the respondents submitted that an appointment order was issued for 49 candidates, however, only 47 candidates have joined the service on 24.08.2009. From the list of Teachers Recruitment Board, dated 05.08.2015, the persons namely, S.Muthupandi shown in Sl.No.7 and S.Kalpana shown in Sl.No.22 have not joined the service. Therefore, two posts are vacant. It is submitted that the candidate Manjeri was already in the list and she joined the post. Since two posts are available, the respondents are directed to issue the appointment order to the writ petitioners, namely T.Udhayarani and C.Jeevitha. Therefore this Court directs that in the reserved post, the respondents shall accommodate the writ petitioner Udharani and grant an appointment and the TRB is directed to consider the candidature of Jeevitha and grant appointment order in any of the vacancies that are available due to candidates who have not joined in the allotted vacancies.”



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5. The department wanted review of the order dated 09.03.2021 in W.P.(MD)No.7012 of 2019 ie., in the case of Majari alone. The review was closed with clarification. Aggrieved by the order dated 09.03.2021 in W.P.(MD)No.7012 of 2019, TRB filed W.A.(MD)No.184 of 2023. Aggrieved by the order made in review application, TRB filed W.A.(MD)No.186 of 2023. It is relevant to note that vide common order dated 09.03.2021, the learned single Judge allowed W.P.(MD)No.3926 of 2019 as well as W.P.(MD)No.7012 of 2019. The prayer made in both the writ petitions was one and the same. Having failed to challenge the order made in W.P.(MD)No.3926 of 2019, it is not open to TRB to question the order made in W.P.(MD)No.7012 of 2019 alone. The principle of *resjudicata* will clearly operate against the appellant.

6. In this view of the matter, **W.A.(MD)No.184 of 2023** as well as **W.A.(MD)No.186 of 2023** stand dismissed.

7. We have already noted that one Udhayarani as well as Jeevitha filed W.P.(MD)No.17454 of 2014 and W.P.(MD)No.17829 of 2014



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questioning their exclusion from the selection list. Questioning the order made in Udhayarani's case, TRB has filed W.A.(MD)No.463 of 2023. Aggrieved by the order made in Jeevitha's case, TRB filed Review Application No.90 of 2022. The review application was disposed of on 20.12.2022. Challenging the order made in the review application, W.A. (MD)No.302 of 2023 was filed. Jeevitha had filed W.P.(MD)No.17829 of 2014. TRB did not file any appeal challenging the order allowing the writ petition. They had come only against the order made in the review application. It is well settled that when a review application is filed and dismissed, an appeal should be filed not only against the review order but also against the original order. In this case, since TRB did not challenge the original order, **W.A.(MD)No.302 of 2023** stands **dismissed**.

8. Admittedly, Udhayarani is fully qualified. The only grievance of the appellant is that she did not attend the clarification camp to exercise her option as to whether she would join the Kallar Reclamation School or the education department.

9. We are of the view that this aspect of the matter has been fully



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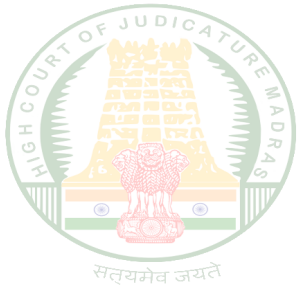
taken care in the order passed by the learned single Judge. Admittedly, Udhayarani is fully qualified. Similarly placed persons have already been given employment. Even out of the originally selected candidates, two of them have not joined. The learned single Judge had indicated that Udhayarani and Jeevitha have been accommodated as against those two resulting vacancies. The Kallar Reclamation School is directed to intimate TRB about the resulting vacancies. The TRB is directed to issue appropriate proceedings to accommodate Jeevitha as well as Udhayarani. All the three candidates who have succeeded in these proceedings will not be entitled to claim any monetary benefits. But their seniority will be reckoned on par with their batchmates.

10.W.A.(MD)No.463 of 2023 stands **dismissed** accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
09.06.2025

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

- 1.The Principal Secretary to Government,
Elementary Education Department,
St.George Fort, Chennai-9.
- 2.The Director of Elementary Education,
Chennai-600 006.
- 3.The Commissioner / Director,
Most Backward & De-notified Communities Welfare,
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- 4.The Joint Director,
Kallar Reclamation,
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College Road,
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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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