

(2001) 02 MAD CK 0005

In the Madras High Court

Case No : W.A. No. 2174 of 2000 and C.M.P. No. 19018 of 2000

Ms. R. Subasri rep. by her father and natural guardian Mr. R. Ramamurthy APPELLANT

Vs

The Principal, District Institute of Education and Training and Director, Directorate of Teachers Education RESPONDENT

Date of Decision : 07-02-2001

Acts Referred:

Essential Commodities Act, 1955 — Section 3, 6A

Citation : (2001) 02 MAD CK 0005

Hon'ble Judges : N.K. Jain, C.J.;K. Sampath, J

Bench : Division Bench

Advocate : S. Sadasharam, for the Appellant; K. Elango, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

N.K. Jain, C.J.—This writ appeal has been filed against the order of the learned single Judge, dated 24.11.2000, passed in W.P. No.

18644 of 2000, dismissing the writ petition.

2. It is alleged that the Appellant had applied for Teacher Training Course, as called for by the Respondents in their notification. Along with the

application, the Appellant enclosed xerox copies of requisite documents. But, she was not selected and her application was rejected, on the

ground that the documents enclosed were not attested, which was one of the conditions in Clause 3(5) of the instructions to the candidates.

Challenging her non-selection, the Appellant filed the writ petition. Since, the Appellant has not complied with the said condition, the writ petition

has been dismissed. Now, the Appellant has approached this Court.

3. The Learned Counsel for the Appellant submits that in view of the decision of the Division Bench of this Court reported in V. Premanand Vs.

The State of Tamil Nadu and others, mere failure on the part of the candidate to produce attested copies of the certificates along with the

application cannot be a ground for rejection. Therefore, the Appellant's application may be considered.

4. Mr. K. Elango, learned Government Advocate took notice for Respondents as per our directions, and submits that the condition is very clear

that the documents should be attested. He also submits that a Division Bench of this Court in W.A. No. 2471 of 1999 N. Bharathi v. The

Director, Teacher Education Research Training, Chennai and Anr.) held that in case the certificates are not filed along with the application form as

required, the same cannot be agitated later on, as they are essential, and for that negligence, the Applicant has to take the risk of not having the

application considered, even if the application had been completed in all other respects. He further submits that the selection process was over on

21.11.2000 itself.

5. We have heard the Learned Counsel for the parties, and perused the materials on record. As per Clause 3 (5) of the instructions to candidates,

it is incumbent upon the candidate to attach relevant attested copies of the certificates along with the application. In the instant case, the Appellant

has failed to comply with the condition of sending attested copies of documents along with the application nor she has filed the same before the

selection process was over, which according to the learned Government was on 21.11.2000. The Appellant cannot take advantage of the decision

reported in AIR 1995 Madras 316, cited above, which is no more good law, in view of the later decision in W.A. No. 2471 of 1999, cited above.

We are not inclined to interpret the meaning of Clause 3(5) of the instructions, in such a way as desired by the Learned Counsel for the Appellant.

That apart, in view of the later decision, cited above, the Petitioner is not entitled to get selected, as she did not file the attested copies of the

certificates, till the selection process was over. In any view of the matter, in the facts and circumstances of the given case, we find no error or

illegality in the order of the learned single Judge, so as to call for any interference. Accordingly, this Writ appeal is dismissed. Consequently,

connected CM.P. is also dismissed.