
(2014) 07 MAD CK 0197

In the Madras High Court

Case No : Writ Petition No. 13323 of 2012 and M.P. Nos. 1 to 3 of 2012

P. Baskaran

APPELLANT

Vs

Teachers Recruitment Board

RESPONDENT

Date of Decision : 14-07-2014

Acts Referred:

Citation : (2014) 6 MLJ 232

Hon'ble Judges : D. Hari Paranthaman, J

Bench : Single Bench

Judgement

D. Hari Paranthaman, J.—Heard both sides. The learned Additional Government Pleader has made his submissions based on instructions. The petitioner belongs to Scheduled Caste. He studied B.A. (History) in the year 1989, through Madras University. He passed M.A. (Tamil) in the year 1992, through Annamalai University. He passed B.Ed, in May 1993. He registered his name in the District Employment Exchange, Cuddalore, on 26.07.1993. Subsequently, he studied B. Lit in Tamil, in May 2010. According to the petitioner, he is eligible for the post of P.G. Assistant (Tamil) since he is in possession of both B. Lit and M.A. in Tamil, besides B.Ed. In fact, the first respondent sent a call letter dated 23.12.2011 to the petitioner, for certificate verification, for the post of P.G. Assistant (Tamil), on 07.01.2012, at Government Girls Higher Secondary School, Villupuram. Accordingly, the petitioner appeared for certificate verification. However, he was not selected for the said post on the ground that he passed B. Lit (Tamil) only in May 2010. The result of his non selection was posted in the website and the reason as stated in the remarks column reads as follows:

"Remarks: UG COMPLETED AFTER REGISTRATION DATE (UG IN MAY 2010 NOT IN COD)"

2. The petitioner has filed this writ petition seeking to quash the order non selecting him for the post of P.G. Assistant (Tamil) and for a consequential direction to the respondents to select and appoint him as P.G. Assistant (Tamil).

3. The crucial date for possession of the qualification is when the recruitment took place to the post of P.G. Assistant (Tamil). The entire process started as per the call letter dated 23.12.2011 is after the issuance of G.O.Ms. No. 152, School Education (Budget. 2) Department, dated 03.06.2010 and the subsequent letter of the Government dated 25.10.2011 and the letter dated 18.02.2011 of the Employment Exchange. All those dates are subsequent to passing of Degree in Tamil by the petitioner. Therefore, when the recruitment took place for the post of P.G. Assistant (Tamil), the petitioner was qualified for the said post and in fact, the petitioner was directed to appear for certificate verification. The only reason for non selection is that he completed B. Lit (Tamil) in 2010 and not when he registered his name in the Employment Exchange. In my view, that may not be relevant. The relevant date is the date, when the department called for names from the Employment Exchange for the post of P.G. Assistant (Tamil).

4. Further, it is not the case of the respondents that the petitioner did not register in the Employment Exchange and that he did not possess the requisite qualification. That is, if he did not possess B. Lit (Tamil), he is not eligible for appointment. Since the eligibility for the post of P.G. Assistant (Tamil) is U.G. in Tamil and P.G. in Tamil, besides passing B.Ed., the petitioner possesses all the requisite qualification. Admittedly, he registered in the employment exchange in 1993 itself. Hence, I am of the view that the petitioner cannot be denied the post of P.G. Assistant (Tamil) on the ground as stated in the impugned order. Hence, the impugned order is liable to be quashed. Accordingly, the impugned order is quashed and the writ petition is allowed. Since this Court on 04.07.2012, passed interim order directing the respondents to keep one post of P.G. Assistant (Tamil) vacant, pending further orders, a direction is issued to first respondent to select the petitioner for the post of P.G. Assistant (Tamil) within a period of four weeks from the date of receipt of a copy of this order and the second respondent is directed to issue appropriate appointment order to the petitioner within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.