

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.06.2017

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.A. NO. 743 OF 2017
AND
C.M.P. NO. 10223 OF 2017

1. The Chairman
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Maligai
College Road, Chennai 600 006.
 2. The Member Secretary
Teachers Recruitment Board
E.V.K.Sampath Maligai
College Road, Chennai 600 006.
 3. The Secretary to Government
School Education Department
Fort St. George, Chennai 600 009.
 4. The Director of School Education
College Road, Chennai 600 006. .. Appellants/Respondents
- Vs -
- Dr. C.Manikandan .. Respondents/Petitioner

Appeal filed under Clause 15 of the Letters Patent, against the order of the learned Single Judge made in WMP No.16061 of 2017 in W.P. No.14819 of 2017 dated 14.06.2017.

Prayer in W.P. 14819 of 2017:

Writ Petition filed under article 226 of the constitution of India, praying to issue a Writ of Mandamus directing the respondents to accept the application of the petitioner and to permit the petitioner to appear in the examination and W.M.P. 16061 of 2017 to grant interim order, directing the respondents to permit the petitioner to appear the examination in W.M.P. No 16061 of 2017 pending disposal of the above writ petition.

For Appellant : Mr. K.Venkataramani, AAG
assisted by Mr. T.N.Rajagopalan,
Special. Govt.Pleader.

JUDGMENT

<https://hcservices.ecourts.gov.in/hcservices/> (DELIVERED BY HULUVADI G.RAMESH, J.)

This appeal is preferred by the State against the interim order passed by the learned single Judge, whereunder,

the learned single Judge had directed the appellant herein to permit the respondent herein to receive the application of the petitioner sent through registered post and permit him to take part in the written examination, however, subject to the result of the writ petition.

2. Heard Mr.Venkataramani, learned Addl. Advocate General appearing for the appellants and perused the materials available on record to which the attention of this Court was drawn.

3. The order passed by the learned single Judge reveals that the appellants herein were directed to receive the application of the petitioner received through registered post and to permit the respondent herein to participate in the written test for the post of PG Assistant. It is the contention of the appellants that though the respondent had obtained post-graduate degree in Political Science, however, his basic degree is not in Political Science and, therefore, he is not eligible to be considered for the post of PG Assistant as he does not satisfy the qualifications as prescribed under the rules.

4. From the documents available in the typed set, it is evident that the respondent herein had further pursued higher studies and had obtained Doctorate in Political and International Studies.

5. Be that as it may. Learned single Judge, after going through the entire records as also the rules has extended the interim relief permitting the respondent herein to write the examination subject to the outcome of the final orders in the writ petition. That being the case, it is too premature for the appellants to knock the doors of this Court, as they are left with the option to raise all their contentions on the legal position before the learned single Judge, while the writ petition is heard.

6. In such view of the matter, without commenting upon the merits of the issue, this writ appeal is disposed of leaving open all the contentions to be raised in the writ petition at the appropriate time before the learned single Judge at the time of hearing of the writ petition. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

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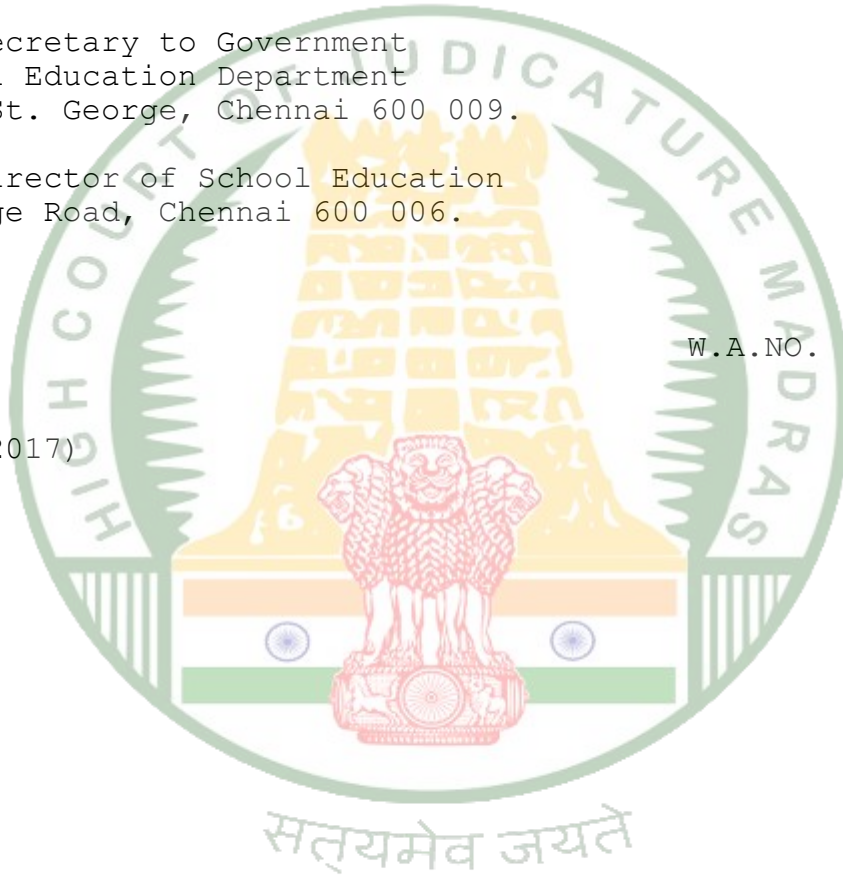
Sub-Assistant Registrar

To

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SSI (CO)
sp (04/09/2017)



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