

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.23404 of 2015

K.Gunanidhi

..

Petitioner

vs

1.The Member Secretary
Teachers Recruitment Board
EVK Sampath Maaligai
DPI Compound
College Road, Chennai 600 006

2.Secretary to Government
Law Department
Fort St. George, Secretariat
Chennai 600 009

3.Director of Legal Studies
Kilpauk, Chennai 600 010

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to appoint the petitioner to the post of Lecturer (Senior Scale) in the Government Law Colleges, Tamil Nadu under the category of reservation for Scheduled Tribes in the light of the petitioner's representation dated 5.7.2015.

For Petitioner : Mr.N.G.R.Prasad
for M/s.Row & Reddy

For Respondents : Mr.V.Subbiah
Special Government Pleader

WEB COPY
ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that she belongs to Scheduled Tribe Community viz. Hindu Kattu Nayakan Community, and was also issued with a Community Certificate bearing No.2692445 dated 13.3.2003, by the Revenue Divisional Officer, Tiruchirappalli. The petitioner would state that after completing her B.L. Degree through the Government Law College, Trichy, she did her Master's Degree in Law (specialization in Labour Law and Administrative Law), and at present, she is teaching law in Government Law College, Tiruchirappalli, as a Guest Faculty, from the year 2012 onwards.

3.The petitioner would further state that she has also passed National Eligibility Test (NET) conducted by the University Grants Commission, for lectureship and hence, she is eligible to be appointed as Lecturer (Senior Scale)/Assistant Professor in Law in any one of the Government Law Colleges in the State. It is stated by the petitioner that the first respondent has issued a notification on 22.7.2014, vide Advertisement No.04/2014, calling for applications from the suitable candidates for the post of Lecturer (Senior Scale) to be appointed in Government Law Colleges in Tamil Nadu and to her shock and surprise, she has found that no reservation is made for the candidates belonging to the Scheduled Tribe Community, and the petitioner, in this regard, has also sought information by invoking the provisions of the Right To Information Act, and it was responded by the third respondent by stating that no Lecturer (Senior Scale) belonging to the Scheduled Tribe Community, is working in the services of the Government Law Colleges of Tamil Nadu and no vacancy has been reserved for Scheduled Tribe Community in the post of Lecturer, and the petitioner, in this regard, has submitted a detailed representation dated 5.7.2015, to the respondents pointing out the said infirmity, and prayed for appropriate direction to appoint her for the post of Lecturer (Senior Scale) in any one of the Government Law Colleges under the category of reservation for Scheduled Tribes and though it was received and acknowledged on 7.7.2015, she has not been favoured with any response and hence, she came forward to file this writ petition.

4.Mr.N.G.R.Prasad, learned Counsel appearing for the petitioner, would vehemently contend that for the reasons best known to them, the respondents did not reserve any seat for candidates belonging to the Scheduled Tribe Community, and though the petitioner comes under said category and is fully qualified to hold the said post, in the absence of any reservation, she is unable to participate in the selection process, in that category, and hence, prays for appropriate orders.

5.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents, also.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the second respondent to consider the petitioner's representation dated 5.7.2015, on merits and in accordance with law, after providing her, an opportunity of personal hearing and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

nsv

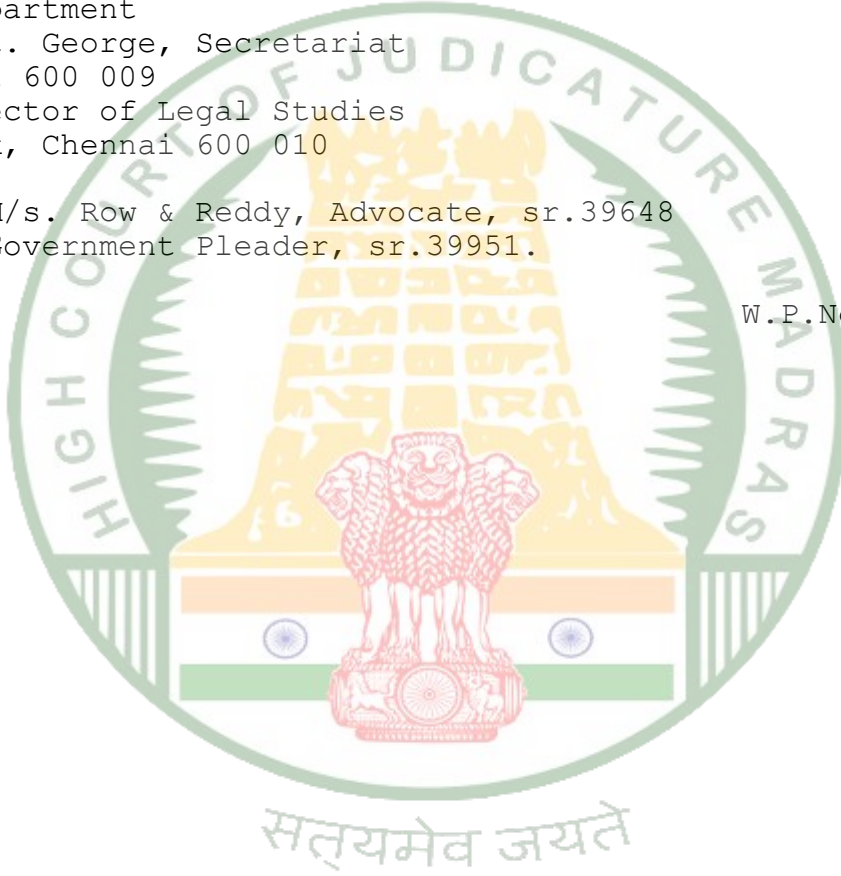
To:

- 1.The Member Secretary
Teachers Recruitment Board
EVK Sampath Maaligai
DPI Compound
College Road, Chennai 600 006
- 2.The Secretary to Government
Law Department
Fort St. George, Secretariat
Chennai 600 009
- 3.The Director of Legal Studies
Kilpauk, Chennai 600 010

+1 cc to M/s. Row & Reddy, Advocate, sr.39648
+1 cc to Government Pleader, sr.39951.

W.P.No.23404 of 2015

msm(co)
kra(17/08)



WEB COPY