



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM:

**THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

W.P. (MD) No.4064 of 2011

and

M.P (MD) No.1 of 2011

S.Sabitha

... Petitioner

**Vs.**

1. The Chairman,  
Teachers Recruitment Board,  
College Road, Chennai.

2. The District Employment Officer,  
Theni.

... Respondents

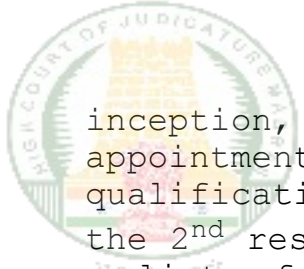
**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent herein to consider the petitioner for appointment as B.T.Assistant (Tamil) under Backward Class priority (DPN-Ex-Serviceman) Quota, on the basis of her seniority, qualification and eligibility in accordance with law.

For Petitioner : Mr.K.Appadurai  
For Respondents : Mr.K.Guru,  
Additional Government Pleader

### **O R D E R**

The case of the petitioner is that she is qualified in B.A. (Tamil Literature) and also possessed B.Ed. in Tamil and she belongs to Backward Class community and also a physically challenged person. Originally the petitioner was registered her name in Madurai District Employment Exchange on 31.05.1996 vide Registration No.W/1794/96, after bifurcation of Madurai District, this petitioner name was transferred to the Theni District Employment Exchange and maintained vide Registration No.W/8694/97. The petitioner belongs to the Backward Class community priority (DEPN-Ex-Serviceman) and consideration of her name is on the basis of priority under Ex-Serviceman quota.

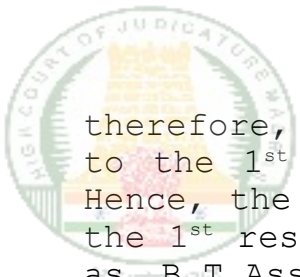
2.It is the further case of the petitioner that he is the senior most in the Theni District Employment Exchange from its



inception, therefore, she is entitled to be considered for appointment to the post of B.T.Assistant (Tamil) on the basis of her qualification. The petitioner also states that during the year 2000, the 2<sup>nd</sup> respondent District Employment Officer, Theni, has forwarded a list of candidates as on 11.10.2000 consisting of three women under Backward Class priority (DPN-Ex-Serviceman) quota to the 1<sup>st</sup> respondent for appointment to the post of B.T.Assistant (Tamil). The said list sent by the 2<sup>nd</sup> respondent was irregular and illegal, since all these three women were juniors to her, who had enrolled their names in the 2<sup>nd</sup> respondent office only after the petitioner's registration and the 2<sup>nd</sup> respondent has continuously failed to sponsor her name to the 1<sup>st</sup> respondent for appointment as B.T.Assistant (Tamil) though she has got seniority in the enrolment and possessed the required educational qualification.

3.The petitioner further states that on coming to know about the fact of the 2<sup>nd</sup> respondent in ignoring and discriminating her among the juniors, the petitioner has filed a writ petition in WP.No.11536 of 2009 before this Court with a direction to sponsor the petitioner's name to the 1<sup>st</sup> respondent for consideration and appointment as B.T.Assistant (Tamil). This Court by order dated 12.11.2009, directing the 2<sup>nd</sup> respondent to sponsor the petitioner's name to the 1<sup>st</sup> respondent for consideration to the post of B.T.Assistant (Tamil) and for appointment on merits and in accordance with law. During the period of 2008-2009 it was informed that nearly 8000 vacancies of B.T.Assistant are likely to be filled up by the Government. Therefore, the petitioner was called for certificate verification on 31.12.2009 at Government Girls Higher Secondary School (TRB No.V 01076002) and she has also attended the said process of selection, but thereafter, there was no response from the respondents for the reasons best known to the 1<sup>st</sup> respondent.

4.In the year 2009-2010, the petitioner was again called for certificate verification on 12.05.2010 at the Mary Matha Matriculation School, Theni and at that time, it was published that nearly 6000 vacancies of B.T.Assistants are likely to be filled up through the recruitment. But even then, the petitioner attended the said process of selection for the certificate verification on 12.05.2012, her name was considered for the appointment whereas only her juniors are being considered for the appointment from 2000 and they were appointed. In the year 2010-2011, the selection process only one person is given appointment on priority basis under Backward Class priority (DPN-Ex-Serviceman) Quota. Therefore, the action of the 1<sup>st</sup> respondent by ignoring her right and seniority and for the qualification infringing for employment on par with others by violating under Articles 14 and 16 of the Constitution of India. The petitioner also states that for the past 10 years despite thousands of vacancies had been filled up by the 1<sup>st</sup> respondent, whereas, the petitioner was not given appointment, but ignoring the same, the petitioner's juniors were appointed in the post and



therefore, on 08.03.2011, the petitioner has sent a representation to the 1<sup>st</sup> respondent narrating the above facts and circumstances. Hence, the petitioner has filed the present writ petition, directing the 1<sup>st</sup> respondent herein to consider the petitioner for appointment as B.T.Assistant (Tamil) under Backward Class priority (DPN-Ex-Serviceman) Quota, on the basis of her seniority, qualification and eligibility in accordance with law.

5.When the writ petition coming for hearing on 19.04.2011, this Court considered the petitioner's case and allowed the M.P.(MD)No.1 of 2011 seeking to reserve one post of B.T.Assistant (Tamil) to the petitioner who is belongs to Backward Class community priority (DPN-Ex-Serviceman) quota, pending disposal of the writ petition, as on date the vacancy is kept under the respondents.

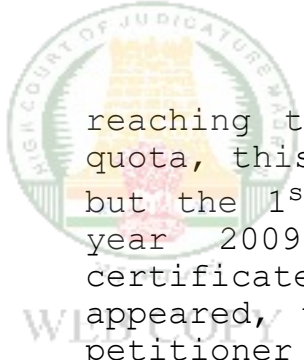
6.A counter affidavit has been filed in which the 1<sup>st</sup> respondent denied all the averments stated in the affidavit that to fill up the vacancy in the year 2009-2010 on the basis of the employment seniority. The Employment and Training has sponsored the list of candidates at the ratio of 1:5, though the 1<sup>st</sup> respondent conducted certificate verification for those sponsored by the employment exchange.

7.As per the orders of this Court, the 2<sup>nd</sup> respondent has sponsored the petitioner's name under General Priority Category for the post of Graduate Assistant in Tamil. The petitioner was attended the interview on 31.12.2009, but the petitioner's priority in Dependent Ex-Serviceman not reached the selected zone. The last candidate selected under DEX priority (General Turn Priority) is 29.08.1990. But the petitioner was registered her name only on 31.05.1996, as such the petitioner could not be considered for selection, therefore, the 1<sup>st</sup> respondent prayed for dismissal of the writ petition.

8.I heard Mr.K.Appadurai, learned counsel appearing for the petitioner and Mr.K.Guru, learned Additional Government Pleader appearing for the respondents and perused the entire records.

9.It is admitted fact that this petitioner has registered her name on 31.05.1996, vide Registration No.W/1794/96 with her qualification in B.A.(Tamil Literature) and also possessed B.Ed. in Tamil and after bifurcation of Madurai District, the petitioner's name was transferred to Theni District Employment Exchange and maintained vide Registration No.W/8694/97, and more than three occasions, the petitioner was called for interview and certificate verification on 11.10.2000, 31.12.2009 and 12.05.2010, but none of the date she has not been selected.

10.In the counter affidavit, the respondents stated that the petitioner was called for interview as per the direction of this Court in the above writ petition filed by the petitioner and the petitioner also called for interview on 31.12.2009 and due to non



reaching the zone of reservation in respect of DPN-Ex-Serviceman quota, this petitioner's name could not be considered for selection, but the 1<sup>st</sup> respondent miserably failed to note that the academic year 2009-2010, the petitioner was directed to attend the certificate verification on 12.05.2010, accordingly, she has also appeared, there is no whisper about the interview attended by the petitioner for certificate verification on 12.05.2010 and why she has not been selected, since the petitioner was registered her name in the year 1996, after several decades the petitioner is searching and expecting the appointment, particularly, from the 1<sup>st</sup> respondent even today.

11.If the respondents, who have stated in the counter affidavit that on 12.05.2010 there was a certificate verification conducted by the 1<sup>st</sup> respondent and the petitioner was also attended the interview at Mary Matha Matriculation School at Theni, if she had not selected definitely, the 1<sup>st</sup> respondent would have mentioned in the counter affidavit, therefore, it is presumed that the petitioner would have selected in that interview dated 12.05.2010, but what purpose the same was not mentioned in the counter affidavit is best known to the respondents.

12.Apart from this, the petitioner had B.Ed. qualification (DEPN Ex-Serviceman), she would have been considered the case by this time, but this petitioner is waiting for the past 21 years for her turn, even she fulfilled the qualification in the certificate verification last occasion on 12.05.2010 for the reason not known to the petitioner, she has filed the present writ petition seeking direction to consider the appointment of the petitioner as B.T.Assistant (Tamil) under Backward Class priority (DPN-Ex-Serviceman) quota.

13.It is totally unbelievable since the petitioner was registered her name in the year 1996, though the respondents had made selection of several thousands, but even after waiting for more than 21 years why she has not been selected persons like this petitioner are waiting years together but they were not consider her employment in a proper way.

14.Therefore, the petitioner has made out the case before this Court, since she was registered her name originally in the year 1996, but, the petitioner is waiting for the appointment, even after lapse of 21 years. Accordingly, the 1<sup>st</sup> respondent is directed to consider the appointment of the petitioner as B.T.Assistant.

15.In the result:

(a) this writ petition is allowed;

(b) the direction issued to the 1<sup>st</sup> respondent to appoint the petitioner as B.T.Assistant (Tamil) under Backward Class priority (DPN-Ex-Serviceman) quota, on the



basis of seniority in accordance with law;

(c) the said exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order. No costs.

WEB COPY

Sd/-  
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

**To**

1. The Chairman,  
Teachers Recruitment Board,  
College Road, Chennai.
2. The District Employment Officer,  
Theni.

VSA/SKN

TE/SKN-RSK/SAR-I : 17/11/2017 : 5P/3C

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