

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.8087 to 8089 of 2017

A.Rajesh	..	Petitioner in W.P.No.8087 of 2017
G.Shanthi Devi	..	Petitioner in W.P.No.8088 of 2017
R.Janakidevi	..	Petitioner in W.P.No.8089 of 2017

-vs-

1. The State of Tamil Nadu
rep.by its Principal Secretary
to Government
School Education Department
Secretariat, Fort St.George
Chennai 600 009
2. The Director of School Education
DPI Campus, College Road
Chennai 600 006
3. The Director of Government Examinations
DPI Campus, College Road
Chennai 600 006 ..Respondents in all the writ petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from filling up the post of Lab Assistant in pursuant to G.O.Ms.No.42 School Education [SC4(2)] Department dated 06.03.2017 by considering the marks awarded in common State wide examination conducted on 31.05.2015 for district wise selection in violation of Article 14 and 16 of Constitution of India and consequently to direct the respondents to select and appoint the petitioners to the post of Lab Assistant based on merit in selection following assessment of merit to be arrived by preparing State wide selection list based on marks secured in common examination conducted on 31.05.2015 or by conducting separate selection in each district afresh altogether.

For Petitioners ::	Mr.G.Sankaran
For Respondents ::	Mr.T.N.Rajagopalan Special Government Pleader

ORDER

The petitioners have approached this Court seeking for issuance of a writ of mandamus, forbearing the respondents from filling up the post of Lab Assistant in pursuance of G.O.Ms.No.42 School Education [SC4(2)] Department dated 06.03.2017 by considering the marks awarded in common State wide examination conducted on 31.05.2015 for district wise selection in violation of Article 14 and 16 of Constitution of India and consequently to direct the respondents to select and appoint the petitioners to the post of Lab Assistant based on merit in selection following assessment of merit to be arrived at by preparing State wide selection list based on marks secured in the common examination conducted on 31.05.2015 or by conducting separate selection in each district afresh altogether.

2. Learned counsel for the petitioners, assailing the approach adopted by the respondents, submitted that when the competitive examination was conducted by the Director of Government Examinations, Chennai, the third respondent herein for selecting the Lab Assistants, the marks secured in the written examination was to be taken as the basis for selection. This is for the reason that even in the order passed by this Court in M.P.Nos.2 of 2015 in W.P.Nos.15438 to 15440 of 2015 and 15394 to 15396 of 2015 dated 7.8.2015, it has been clearly held that there cannot be any final selection without taking into account the marks secured in the written examination. Therefore, while complying with the direction of this Court, to proceed with the selection, it is incumbent on the part of the respondents to consider the marks secured in the written examination as the basis for preparing the comparative merit list. When that is the settled legal position in the aforementioned order dated 7.8.2015, it is pleaded that the respondents are not legally permitted to prepare the district wise selection list that may result in serious discrimination, inasmuch as a candidate securing high marks in one district may not get appointment, whereas a candidate securing less marks in another district may be appointed, depending upon the marks secured in every district.

3. This argument is wholly untenable and, if I may say so, is completely misconceived, in view of the finding given by this Court in the aforementioned order dated 7.8.2015. It is therefore necessary to extract the relevant portions of the order in paragraph 23.2, 23.3 & 23.4, as follows:-

"23.2. However, I make it clear that in future recruitment to the post of Laboratory Assistant State-wise selection alone shall be made.

23.3. As far as the present selection is

concerned, I am not inclined to interdict the District-wise selection, particularly learned Senior Counsel for the petitioners also submitted that this Court could permit the District-wise selection this time, if the marks in the written examination is also taken into account for the final selection.

23.4. I have also issued a direction either to hold the interview or not to hold the interview, but the marks in the written examination shall be taken into account for the selection of the candidates."

Finally the learned Judge in paragraph 26.1 and 26.2 has made it clear that if the respondents are willing to proceed with the selection in any one of the methods suggested in paragraph 22.4 of the judgment and make appointments accordingly, they are at liberty to proceed with the selection process. Now the learned Special Government Pleader for the respondents also submitted that as per the direction given by this Court in paragraph 22.4 of the judgment, the selections are being made and this apart, when this Court has permitted the respondents to proceed with the district wise selection, if the marks in the written examination is also taken into account for final selection, it is not open to the petitioners to come to this Court taking a stand that the respondents should not prepare the district wise selection list that may result in serious discrimination.

4. When this Court has permitted the respondents as far as the present selection is concerned to proceed on the basis of district wise selection by taking into account the marks secured in the written examination for final selection, I am not able to find any merit in the writ petitions. Accordingly, the writ petitions fail and they are dismissed. Consequently, W.M.P.Nos.8874 to 8876 of 2017 are also dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

SS

To

1. The Principal Secretary to Government
School Education Department
Secretariat, Fort St.George
Chennai 600 009

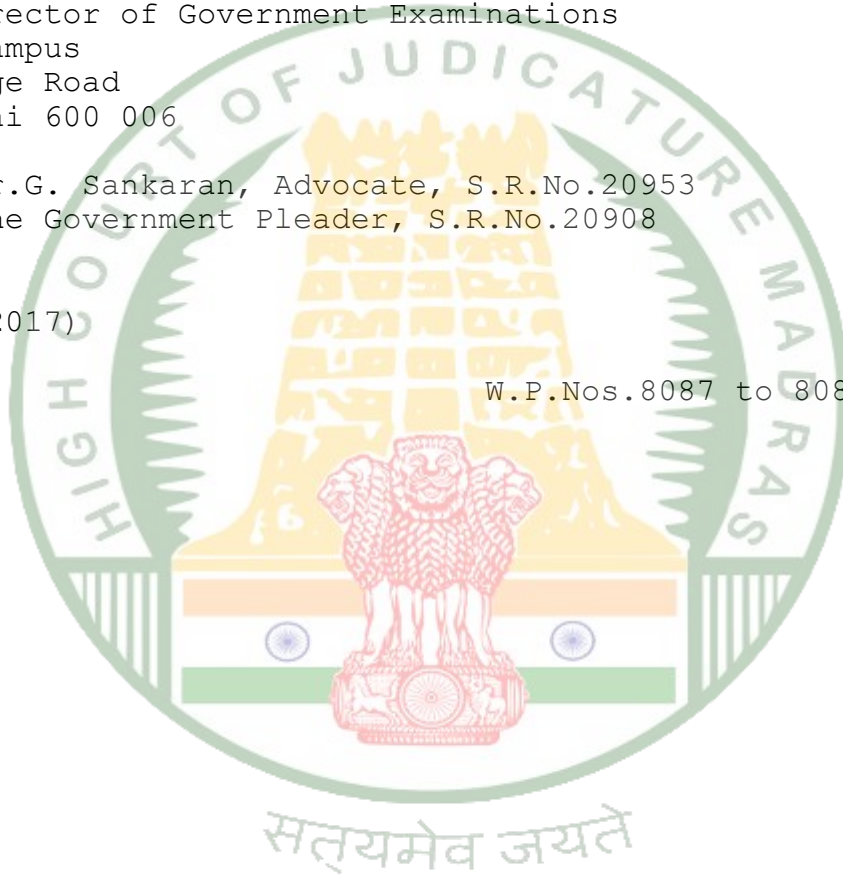
2. The Director of School Education
DPI Campus
College Road
Chennai 600 006

3. The Director of Government Examinations
DPI Campus
College Road
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+lcc to Mr.G. Sankaran, Advocate, S.R.No.20953
+lcc to the Government Pleader, S.R.No.20908

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md(18/04/2017)

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