

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8780 of 2017

R.Yasodha

...Petitioner

-vs-

1. The State of Tamil Nadu
represented by Principal Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. The Director of School Education
DPI Campus
Nungambakkam
Chennai 600 034
3. The Chief Educational Officer
Namakkal District
Namakkal 637 001
4. The District Educational Officer
Namakkal District
Namakkal 637 001
5. The Director of Government Examinations
D.P.I.Campus
Nungambakkam
Chennai 600 006

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents herein to pass appropriate orders enabling the consideration of the petitioner's candidature for selection and appointment as Lab Assistant in Namakkal district under Destitute Widow Priority Category, in the light of the marks awarded to the petitioner in the screening test for Lab Assistant May-2015-Merit List-21.03.2017, pertaining to Namakkal district and to consequently select and appoint as Lab Assistant in Namakkal district.

For Petitioner :: Mr.M.Ravi

For Respondents:: Mr.K.Venkataramani
Additional Advocate General
assisted by
Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner, since belonging to Backward Class community and falling under two priority categories, namely, Destitute Widow (DW) and Persons with Disability (PWD), has applied for the post of Lab Assistant in Namakkal district, in response to the notification issued by the third respondent. It is also the claim of the petitioner that in the screening test, she has secured 63 marks. It is the further claim of the petitioner that she is entitled to get 10 marks more for her employment exchange seniority. Therefore, when the respondents have already fixed the cut-off marks of 30 for Destitute Widow category, the petitioner, in all probability, is likely to be selected. But, on a wrong advise given to her, she had applied under the category of Persons with Disability and not under the category of Destitute Widow. Hence she has given representations on 27.3.2017 and 6.4.2017 requesting the respondents to consider her case under the Destitute Widow category, as she is a destitute widow and also secured more than the cut-off marks viz., 63+10 marks. Had she claimed under the Destitute Widow category, the petitioner would not have been destined to approach this Court and she would have been invited for certificate verification. Now the date of certificate verification is over. However, if a direction is issued to consider her representations requesting the respondents to include her name under the Destitute Widow category instead of under the Persons with Disability category, that would meet the ends of justice.

2. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Sanjay Gandhi, learned Additional Government Pleader for the respondents submitted that the date of certificate verification for the candidates like the petitioner was already over. However, he submitted that the grievance of the petitioner appears to be genuine, as she falls under the Destitute Widow category and also secured 63 marks and she is also likely to get 10 marks more for her employment exchange seniority, therefore, there may not be any impediment for the respondents to consider the case of the petitioner.

3. Recording his statement, this Court could also see that

the certificate issued by the competent revenue authority clearly shows that the petitioner is squarely falling under the Destitute Widow category. Therefore, the respondents 2 & 3 are hereby directed to include the name of the petitioner under the Destitute Widow category and give the benefit under the said category, on the basis of the marks secured by the petitioner, by considering her representations. Needless to mention that the case of the petitioner shall not be quoted as a precedent. With this direction, the writ petition stands allowed. Consequently, W.M.P.No.9624 of 2017 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

ss

Sub Assistant Registrar

To

1. The Principal Secretary to Government
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Chennai 600 006

+1cc to Mr.Ravi, Advocate, S.R.No.22159
+1cc to the Government Pleader, S.R.No.27799

W.P.No.8780 of 2017

SCD(CO)
RS(3/04/2017)