

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.04.2017

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THE HONOURABLE MR.JUSTICE **T.RAJA**

W.P. No.8914 of 2017 and
W.M.P. No.9834 of 2017

Muthukumaran

.. Petitioner

-VS-

1.The Chairman,
Teacher Recruitment Board,
College Road, Egmore,
Chennai.

2.The Director,
Directorate of School Education,
Chennai.

3.The District Collector,
Thiruvarur District,
Thiruvarur.

4.The Chief Educational Officer,
Thiruvarur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to appoint the petitioner herein as Lab Assistant by awarding due weightage marks or preference or quota as land acquisition affected persons (LA) for which a certificate was issued by the Tahsildar, Thiruthuraipoondi) in terms of G.O. Nos.188 dated 28.12.1976 Government Servant and Rehabilitation Department dated 28.12.1976.

For Petitioner : Mr.J.Arul Selvan

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

ORDER

The petitioner, claiming to be the Land Acquisition affected person, having secured 54 marks out of 150 marks, has come to this Court seeking a direction to the respondents to appoint him as Lab Assistant by awarding due weightage marks or preference or quota as land acquisition affected persons (LA), for which a certificate was issued by the Tahsildar, Thiruthuraipoondi in terms of G.O. Ms. No.188 Personnel and Administrative Reforms (Personnel – P) Department dated 28.12.1976.

2.It is submitted by the learned counsel for the petitioner that the respondents have issued Notification inviting applications for the post of Lab Assistant and subsequently the petitioner, who applied for the said post, has written the examination, which was held on 15.05.2015. However, the petitioner has secured 54 marks out of 150 marks and the respondents have not invited him to take part in the interview held on 09.04.2017 and 10.04.2017, conducted by the Chief Educational Officer, Thiruvarur/the fourth respondent herein. Since the

Government has already issued G.O. Ms. No.188 Personnel and Administrative Reforms (Personnel – P) Department dated 28.12.1976 promising that any person who lost his land under Land Acquisition, is provided an employment by giving preference, the petitioner should have been considered under the said priority category as per the said G.O. As the same has not been done in the case of the petitioner, the learned counsel for the petitioner seeks a direction to the respondents to appoint him as Lab Assistant by awarding due weightage marks or preference or quota as land acquisition affected persons.

3.In reply, learned Additional Advocate General appearing for the respondents would submit that the petitioner, who is holding Diploma in Teacher Education, has participated in the written examination and secured 54 marks out of 150 marks. As he belongs to B.C. Category/ Land Acquisition affected person, the cut off mark for the said category has been fixed as 95 marks in Thiruvarur District. However, the petitioner has secured only 54 marks out of 150 marks, therefore, he is not eligible. He would further submit that when certificate verification was over on 09.04.2017, 10.04.2017 and 11.04.2017, the petitioner's case cannot be considered.

T.RAJA,J.

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4.As the petitioner has admittedly secured only 54 marks out of 150 marks and the cut off mark i.e. 95 has been fixed under B.C. Category/Land Acquisition affected person in Thiruvarur District, this Court hardly finds any substance in entertaining this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected W.M.P. is closed.

13.04.2017

Speaking/Non-speaking order
Index: Yes/No
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To

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