

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 25555 of 2013
and MP Nos.1 and 2 of 2013

P.Sivakumar

... Petitioner

Vs.

- 1 The State of Tamil Nadu,
Rep by its Secretary to Govt.,
Department of Backward Class and
Minority Welfare;
Fort St. George, Chennai 9.
 - 2 The Director,
Backward Classes and Minorities
Welfare Department,
Ezhilagam, Chepauk, Chennai 600 005.
 - 3 The District Backward Classes and
Minorities Welfare Officer,
First Floor, Collectorate Campus,
Karur District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents to consider the petitioner for the post of Secondary Grade Warden of Government Schools Boys Hostel, Karur, pursuant to the notification in Na.Ka.M3/10318/2009 dated 15.5.2013 (BC(P)4) issued by the Second Respondent herein and appoint the petitioner as Secondary Grade Warden.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.S.Diwakar
Special Government Pleader

O R D E R

The Writ Petition has been filed praying for the issuance of Writ of Mandamus, directing the Respondents to consider the petitioner for the post of Secondary Grade Warden of Government Schools Boys Hostel, Karur, pursuant to the notification in Na.Ka.M3/10318/2009 dated 15.5.2013 (BC(P)4) issued by the Second Respondent herein and appoint the petitioner as Secondary Grade Warden.

2. Heard Mr.R.Sankarasubbu, learned counsel appearing for the petitioner and Mr.S.Diwakar, Special Government Pleader appearing on behalf of the respondents.

3. The learned counsel appearing for the petitioner submits that the petitioner is eligible for the appointment to the post of Secondary Grade Warden for Government Boys School Hostel and the post fell vacant during the year 2013 and the said post of warden was reserved for BC/MBC/Minority quota in the Government School Hostel and it was notified in Na.Ka.No.M/10318/2009 dated 15.5.2013/BC(P)4. The petitioner comes under the category of Intercaste Marriage as well as Disabled person, based on the certificates issued by the concerned authorities. Therefore the petitioner's name was sponsored by the District Employment Office at Karur. The petitioner has attended the interview conducted by the District Backward Classes and Minorities Welfare Officer, Karur on 28.05.2013 and he secured the highest marks. Apprehending that he may not be selected to the said post, the petitioner has filed the Writ Petition with the above said prayer.

4. The learned Special Government Pleader would submit that as per the communal roster system, the respondents have taken steps to fill up 4 posts of Secondary Grade Warden, as under:-

Sl.No.	Reserved Turn	Priority/Non Priority
1	General Turn	Priority
2	Scheduled Caste (Arunthathiyar)	Priority

Sl.No.	Reserved Turn	Priority/Non Priority
3	Most Backward Classes and Denotified Communities	Priority
4	Backward Classes	Priority

Based on the communal roster system, the above 4 vacancies were notified to District Employment Exchange by the third respondent vide letter No.R.C.M3/10318/2009 dated 19.12.2012 seeking eligible candidates list from the employment seniority, by following 1:5 ratio for each post, according to the turn of the roster register maintained in the office of the third respondent. Thereafter, the District Employment Office, Karur has sponsored 23 number of candidates, duly adhering to 1:5 ratio and the petitioner's name was forwarded under the Backward Class Priority Category. The petitioner was directed to attend the interview on 28.05.2013. The petitioner and other 4 candidates participated in the interview for the same post, which was reserved for Backward Classes Priority Turn. The Selection Committee conducted the interview on 28.05.2013 by adopting the following Mark System to select the eligible candidates to the post of Secondary Grade Warden.

Weightage of marks given to the candidates based on the average marks gained by them in Higher Secondary School, Diploma in Teacher Training				40%
Higher Secondary School Education -15 Marks		Diploma in Teacher Training -25 Marks		
0% Marks	Weightage of Marks given	% Marks	Weightage of Marks given	
Up to 49	0	Up to 49	0	
50 to 59	3	50 to 69	20	
60 to 69	6	70 and above	25	
70 to 79	9			
80 to 89	12			
90 and above	15			

Weightage of marks given to the candidates based on the average marks gained by them in Higher Secondary School, Diploma in Teacher Training		40%
Committee Members' marks on Candidates' Educational Psychology, Personality, Administrative Skills, Behavioural-attitude and General Knowledge during the interview		60%
Education Psychology	10	
Personality	10	
Administrative Skills	20	
Behavioural attitudes	10	
General Knowledge	10	
Total	60	

5. The learned Special Government Pleader would further submit that the list of eligible candidates were invited from Employment Exchange on employment seniority only and the Selection Committee has acted in a transparent manner and scrutinized the entire eligible candidates on the aforementioned methodologies and awarded marks to the candidates who attended the interview. The list of selected candidates is yet to be published.

6. Heard the counsel for the petitioner as well as the respondents.

7. These are the admitted facts that the petitioner was directed to attend the interview on 28.05.2013 and on the basis of the advertisement, the Selection Committee conducted the interview on 28.05.2013 by awarding the marks to the candidates during the interview and selected the top rank holders amongst the candidates who have attended the interview against each turn according to the roster duly following communal reservation and priority and non-priority category. Therefore, the petitioner has filed the present Writ Petition on the basis of the apprehension that the respondents might not consider and appoint the petitioner for the aforesaid post.

8. At this stage, this Court cannot interfere with the selection processes conducted by the respondents, as there is no specific allegation of malafidness or arbitrariness on the part of the respondents in violation of the Act or Rules. Therefore, the Writ Petition is dismissed. If the petitioner is aggrieved by the selection/final list published by the respondents, it is open to him to challenge the same and agitate before the appropriate forum. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jv

To

- 1 The Secretary to Govt., Government of Tamil Nadu,
Department of Backward Class and Minority Welfare;
Fort St. George, Chennai 9.
- 2 The Director,
Backward Classes and Minorities Welfare Department,
Ezhilagam, Chepauk, Chennai 600 005.
- 3 The District Backward Classes and
Minorities Welfare Officer,
First Floor, Collectorate Campus, Karur District.

+lcc to M/S.R.Sankarsubbu, Advocate Sr.8857

+lcc to the Government Pleader Sr.9041

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W.P. No. 25555 of 2013

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