



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:30.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.(MD)Nos.17164, 17292 & 17293 of 2014

and

M.P.(MD)Nos.1 to 3 of 2014 (in all W.Ps) and 1to1 of 2015

Jeyanthi.K	... Petitioner in W.P(MD)No.17164/14
P.Ganeshwari	... Petitioner in W.P(MD)No.17292/14
Rajeshkumar.K	... Petitioner in W.P(MD)No.17293/14

Vs.

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Elementary Education Department,
St. George Fort, Chennai - 9.

2.The Director of Elementary Education,
Chennai - 600 006.

3.The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai, DPI Compound,
Chennai.

4.The Commissioner/Director,
Most Backward & De-notified Communities Welfare,
Chennai - 600 005.

5.The Joint Director,
Kallar Reclamation,
Madurai - 20. ... Respondents 1 to 5 in all petitions

6.Jegadeeswari ... Respondent No.6 in W.P(MD)No.17292/14

6.Mani Prakesh.G ... Respondent No.6 in W.P(MD)No.17293/14

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned selection list of Secondary Grade Teachers for BC & MBC Welfare Department (Kallar Reclamation Schools) dated 15.10.2014 published by the respondent No.3 and quash the same as illegal and consequently to direct the respondent no.3 to consider the petitioners for appointment to the post of Secondary Grade Teacher in BC and MBC Welfare Department (Kallar Reclamation Schools) in pursuance to the option exercised by the petitioners in pursuance to the addendum to notification Advt. No.05/2014, dated 6.8.2014



within the time stipulated by this Honble Court.

For Petitioners

: Mr.S.Rajasekar

(in all petitions)

for Mr.T.Lajapathi Roy

For Respondents

: Mr.D.Muruganantham,

(in all petitions)

Additional Government Pleader
for R.1 to R.5

Mr.M.O.Thevan Kumar for R.6, in
W.P (MD) No.17292/14

O R D E R

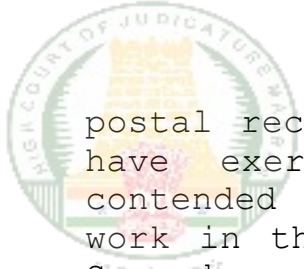
These writ petitions have been filed, seeking Writ of Certiorarified Mandamus, to quash the impugned selection list of Secondary Grade Teachers for BC & MBC Welfare Department (Kallar Reclamation Schools) dated 15.10.2014, published by the third respondent and consequently to direct the third respondent to consider the petitioners for appointment to the post of Secondary Grade Teacher in BC and MBC Welfare Department (Kallar Reclamation Schools) in pursuance to the option exercised by them in pursuance to the addendum to notification Advertisement No.05/2014, dated 06.08.2014.

2. Heard the learned Counsel appearing on all sides.

3. The case of the petitioners is that the petitioners belonging to Hindu Piramalai-Kallar Community, after completing the Higher Secondary Course through regular schooling and subsequently obtained Diploma in Teachers Education. Thereafter, they took part in the Teacher Eligibility Test (TET), conducted in the Month of August 2013 and secured 107, 116 and 113 marks respectively and thus, they were selected for appointment to the post of Secondary Grade Teacher. While so, the third respondent issued an addendum to Notification Advt.No.05/2014, dated 06.08.2014, seeking all those TET Paper-I qualified candidates, who belong to Hindu Piramalai-Kallar Community and willing to work in the schools run by the Kallar Reclamation Department, should come forward to exercise their option, otherwise, their candidature will not be considered, at any cost, for preferential selection for the above said Department Vacancies. In view of the aforementioned notification, calling for option from candidates belonging to Hindu Piramalai-Kallar Community, who have passed TET Paper-I, all the petitioners herein claimed to have gone to the clarification centre at O.C.P.M. Hr. Sec. School, Madurai, on 11.08.2014, along with the original community certificate and exercised their options for the recruitment to the post of Secondary Grade Teacher in BC and MBC Welfare Department (Kallar Reclamation Schools).

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Counsel appearing for the petitioners has produced a copy of the representation dated 02.09.2014 and the



postal receipt dated 04.09.2014, which show that the petitioners have exercised their options. The learned Counsel further contended that after exercising their options, as called for, to work in the schools run by the Kallar Reclamation Department as Secondary Grade Teachers, the petitioners were anxiously waiting for a suitable order for their placements. Whereas, in the meanwhile, the third respondent published the impugned selection list of candidates for the Directorate of Elementary Education, including the petitioners. But, with regard to the BC and MBC Welfare Department (Kallar Reclamation Schools), the selection list was not published. Therefore, the petitioners again went in person, to the third respondent and requested him to include their names in the selection list to the Kallar Reclamation Schools, for which, the petitioners were told that they have secured more marks and they have to be included only in the General Turn, which is completely incorrect. The reason is that the preferences of the candidates, who scored less marks in the TET Paper-I were accepted and were accommodated in the schools run by the Kallar Reclamation Department, but for securing more marks, the request of the petitioners to work in the Kallar Reclamation Schools shall not be deprived of. At this stage, the petitioners were informed to attend the counselling for the recruitment to the Directorate of Elementary Education and further informed that they could participate in the counselling for Kallar Reclamation Schools also, when the selection list was published. In view of the above instructions, the petitioners have also attended the counselling on 02.09.2014. However, the petitioners were not given the benefit of working in the Kallar Reclamation and therefore, they filed individual writ petitions, which are said to be pending. Therefore, a direction as prayed for shall be issued, he pleaded.

5. The learned Additional Government Pleader appearing for the respondents filed a detailed counter affidavit as well as additional counter affidavit, wherein it is stated as follows:

5.1. The Board has issued provisional selection list for Secondary Grade Teacher to the Directorate of Elementary Education on 27.08.2014, only on the basis of the marks secured by the candidates. Admittedly, the petitioners herein have secured higher marks. Therefore, they were provisionally selected to the Directorate of Elementary Education. Moreover, the petitioners have not exercised their option for selection to the Kallar Reclamation Schools, at the time of certificate verification or during the subsequent selection process.

5.2. Secondly, the petitioners have also joined duty in the schools under the control of Directorate of Elementary Education, without any protest and thereupon, receiving their salary for all these years.

<https://hcservices.ecourt.gov.in/hcservices> 5.3. Thirdly, the petitioners are serving all along in the Elementary Education Department, only as an afterthought, they came to the Court, therefore, their prayer should be rejected.



6. This Court, is unable to accept the said contentions for the following reasons:

6.1. When the notification dated 06.08.2014, was issued by the Teachers Recruitment Board, the respondents informed that as per G.O.No.95, BC, MBC and MW (BC3) Department, dated 03.08.2012, the vacancies of Department of BC, MBC & Minorities Welfare, are being filled from the eligible candidates belonging to Hindu Piramalai-Kallar communities on preferential basis. Therefore, all those TET Paper-I qualified candidates, belonging to Hindu Piramalai-Kallar communities and willing to work in the above Department Schools were advised to come to the clarification centre with original community certificate to exercise their option. Accordingly, the petitioners have exercised their option to work in the schools, run by the Kallar Reclamation Department, which is supported by the postal receipt dated 04.09.2014. While so, it is not known, how the respondents took a stand that the petitioners have not exercised their option.

6.2. Secondly, as alleged by the petitioners, while accommodating the candidates who secured lesser marks in the schools run by the Kallar Reclamation Department and accommodating the petitioners herein in the Directorate of Elementary Education, who have not only secured higher marks, but also exercised their option as called for, is not at all acceptable. Moreover, the respondents could not take a stand that the petitioners herein failed to give their option to work in the Kallar Reclamation Schools, since they have exercised their option, which is very well supported with sufficient evidence, as I mentioned above.

7. Under these circumstances, this Court is inclined to allow these writ petitions and accordingly, these writ petitions are allowed. The respondents are directed to accommodate the petitioners in the schools run by Kallar Reclamation Department, as opted by the petitioners, forthwith. If no vacancy is available as of now, they shall be accommodated, as and when vacancies arise in future. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Elementary Education Department,
St. George Fort, Chennai - 9.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Director of Elementary Education,
Chennai - 600 006.



3.The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai, DPI Compound,
Chennai.

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4.The Commissioner/Director,
Most Backward & De-notified Communities Welfare,
Chennai - 600 005.

5.The Joint Director,
Kallar Reclamation,
Madurai - 20.

+3cc to Mr.T.LAJAPATHI ROY,Advocate,SR. 75528,75529,75530
+1cc to M/S.Special Government Pleader,SR. 76090

W.P. (MD) Nos.17164, 17292 & 17293 of 2014
30.08.2017

GK
KK/SV MMS/SAR4/12.10.2017/ 5P- 10C/