



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

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

W.P. (MD) No.13173 of 2017

WEB COPY

J.Ramesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Higher Education Department,
Fort St. George,
Chennai.

2.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai - 09.

3.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai - 06.

... Respondents

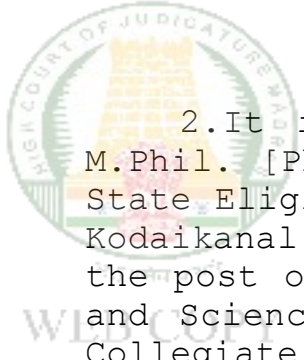
PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to reserve 25% of the total vacancies in the post of Assistant Professor (Physics) in the Directorate of Collegiate Education, for the B.T. Assistant (Physics) possessing requisite qualification in the direct recruitment to the post of Assistant Professor (Physics) in Government Arts and Science Colleges, within the Directorate of Collegiate Education, within a time limit that may be stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Karthikeyan
Additional Government Pleader

ORDER

The petitioner having joined the post of B.T. Assistant on 03.03.2006 through direct recruitment conducted by the Teachers Recruitment Board, was given the benefit of regularisation with effect from 01.06.2006 in the said post and he has been serving as B.T. Assistant in Physics at Government High School, Panaiyur, Virudhunagar District.



2.It is his claim that having acquired M.Sc. [Physics] and M.Phil. [Physics] and B.Ed. Degree, he has also passed Tamil Nadu State Eligibility Test conducted by the Mother Theresa University, Kodaikanal. On this basis, he stands eligible to be appointed to the post of Assistant Professor in Physics in the Government Arts and Science Colleges, which are coming under the Directorate of Collegiate Education. While so, Secondary Grade Teachers, who are working in the Directorate of Elementary Education and the Directorate of School Education, are given reservation of 10% out of 50% of the quota given to the direct recruits to the post of Post Graduate Assistant in the respective subject concerned, if they possess the requisite qualification. In this regard, G.O. (Ms)No.110, School Education (SE2(1)) Department, dated 26.05.2017, was issued. Therefore, a similar benefit is given to the petitioner, who is also aspiring to become an Assistant Professor, by giving same reservation subject to the condition that the petitioner possessed the qualification for the post of Assistant Professor, that would be beneficial not only to the petitioner, but also to the students, who are pursuing their higher studies. In this regard, the petitioner has given a representation dated 05.06.2017. Till date, the said representation has not been considered by the concerned authorities. Therefore, a direction may be given to the authorities to consider the said representation.

3.This Court is unable to find any merit in the said contention. The reason is, the petitioner is presently serving as Selection Grade B.T. Assistant in Physics at Government High School, Panaiyur, Virudhunagar District. When his further promotional post is the Post Graduate Assistant in the School Education Department, for the reason, that he has acquired M.Sc. [Physics], M.Phil. [Physics] and B.Ed. Degree along with a pass in the Tamil Nadu State Eligibility Test conducted by the Mother Theresa University, Kodaikanal, his prayer for giving certain reservation to the post of Assistant Professor cannot be considered, for, when he is presently serving as B.T. Assistant, which is considered as a feeder category to the post of P.G. Assistant, without even holding the post of P.G. Assistant, which is a promotional post, asking reservation in the direct recruitment to the post of Assistant Professor, may not be legally possible. Secondly, the Secondary Grade Teachers working in the Government High Schools and Panchayat Union Schools are given 10% reservation to the post of P.G. Assistant in the School Education Department. But, that comparison cannot be cited by the petitioner for getting reservation in the post of Assistant Professor. Therefore, this Writ Petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar(Records)



To

1.The Principal Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai.

2.The Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 09.

3.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai - 06.

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MAS/KP/SAR1:11.09.2017:2P-4C

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