

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.20641 of 2018

and WMP Nos.24260 to 24263 of 2018

1. S.Sarangapani

2. L.K.Easwaramoorthy ... Petitioners

Vs

1. The Government of Tamil nadu,
Rep. by its Secretary, Department of Art and Culture,
Fort St. George, Chennai - 9.

2. The Secretary to Government,
Education Department,
Fort St. George, Chennai - 9.

3. The Secretary,
Tamilnadu Public Service Commission,
Chennai - 2.

4. The Director of School Education,
Government of Tamilnadu,
College Road, Nungambakkam,
Chennai - 6.

5. The Chairman,
Teachers Recruitment Board,
College Road, Chennai - 6.

6. The Commissioner,
Employment & Training Department,
Guindy, Chennai - 32. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the records relating to Notification No.5/2017 dated 26.07.2017 on the file of the 5th respondent and the subsequent selection list dated 27.07.2018 on the file of

the 5th respondent and quash the same and consequently direct the respondent to follow the GO Ms.No.133 dated 14.06.2007 for appointment of the drawing Masters.

For Petitioners : M/s.S.Arokia Maniraj

For Respondents : Mrs.P.Kavitha
Government Advocate for
R1 to R4 and R6
Mr.C.Munusamy
Special Government Pleader
for R5

ORDER

The grievance of the petitioners in this writ petition is that they have applied for the post of Drawing Teachers in pursuant to the advertisement made by the 5th respondent. Challenging the Educational qualification prescribed in the notification which is not in consonance with G.O.Ms.No.133 dated 14.06.2007 issued by the School Education Department, so also, there was no proper selection of 20% horizontal reservation for persons who studied their prescribed qualifications in Tamil Medium, the petitioners came forward to file this writ petition. In this regard, the petitioners also submitted representations to the respondents to consider their educational qualification as per the aforesaid GO and to follow the reservation under PSTM category. Since no response is forthcoming, the petitioners have come with a prayer to quashment of such notification and selection list and seeking for consequential direction to the respondents to follow the Government Order to appoint drawing Masters.

2 The learned counsel appearing for the respondent submits that the petitioner knowing very well the condition stipulated in the notification prescribed had applied and participated in the recruitment. However, the petitioner being unsuccessful challenged the advertisement to be contrary and not in consonance with the aforesaid Government order. Hence, prays for dismissal of this writ petition.

3. Heard the submissions of learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondents.

4. Considering the facts and submissions made, this Court is of the view that the petitioners who are fence sitter, when have not challenged aforesaid notification on the stated ground and after participating in the recruitment examination and becoming unsuccessful, they cannot be allowed to challenge the

consequential selection on the aforesaid ground. The aforesaid is a settled position of law. Accordingly, the petitioner having made out no case, the writ petition is liable to be dismissed and accordingly dismissed at the stage of admission. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Government of Tamil nadu,
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6. The Commissioner,
Employment & Training Department,
Guindy, Chennai - 32.

+1cc to Government Pleader SR.No.55349

W.P.No.20641 of 2018

GM(04/09/2018)