



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.21272 of 2014
and
MP (MD) Nos.1 to 3 2014

K.Shanthi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Department of Higher Education,
Fort St. George, Secretariat,
Chennai - 600 009.

2.Teachers Recruitment Board,
Rep.by its Chairman,
4th Floor, E.V.K.Sampath Maaligai,
D.P.I.Compound, College Road,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned provisional selection list for Assistant Professor in Government Arts and Science College under Tamil Nadu Collegiate Education Services 2012 (SUB CODE : D02-ENGLISH) published by the second respondent in their website, quash the same in respect of male candidates under Backward Class Ortho category is concerned and consequently consider the petitioner for the post of Assistant Professor in English in Government Arts and Science College under Ortho Backward Class Community Woman category.

For petitioner : Mr.S.Michael Heldonkumar
For Respondents : Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader

ORDER

The petitioner is a physically challenged women who belongs to Backward Class category. She took part in the selection process for the post of Assistant Professor (English) in Government Arts and Science College in the year 2013. The petitioner took part in the process of certificate verification and also interview that was held on 14.10.2014. The petitioner was a candidate for the post of Assistant Professor in English. According to the petitioner, she was the only women candidate who attended interview under the said sub category. However, the petitioner was not selected. Therefore, the present writ petition came to be filed.



2.This Court while entertaining the writ petition, directed the respondents to keep one post of Assistant Professor in English vacant. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents contended that the Board had withdrawn the communal turn earmarked for the current vacancies and issued Corrigendum-II on 09.07.2013. He therefore wanted this Court to dismiss the writ petition.

3.This Court went through the recruitment notification issued by the second respondent Board. It can be seen therefrom that as many as 150 vacancies were earmarked for the subject in English inclusive of Backlog vacancies. 3 posts have been earmarked for physically challenged candidates. 1 post has been earmarked under the General Turn and 1 post has been earmarked for B.C.Women and 1 post has been earmarked for S.C.General. The petitioner's specific case is that she was the only eligible candidate who came under the special reserved category. This assertion has not been denied by the respondents. The learned Additional Government Pleader for the respondents would rather contend that as per the Corrigendum-II dated 09.07.2013 this was withdrawn.

4.But the said Corrigendum-II dated 09.07.2013 only states that 3% reservation for differently abled person shall be made in accordance with the rules in vogue. The contention now raised by the respondents is not borne out by any material on record. In view of the interim order granted by this Court one post has also been directed to be kept vacant. Therefore, there cannot be any impediment in granting relief to the petitioner.

5.The terms of notification of the Corrigendum do not take away the communal turn earmarked for the said sub category to which the petitioner belongs. It is not the case of the respondents that the petitioner is ineligible to be appointed. This Court is not inclined to disturb the appointment made in favour of one D.Prasad and Sakthivel. However, there shall be a direction to the respondents to appoint the petitioner as Assistant Professor in English in Government Arts and Science College under Tamil Nadu Collegiate Educational Service. Such an order of appointment shall be issued within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1.The Principal Secretary,
Department of Higher Education,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
D.P.I.Compound, College Road,
Chennai - 600 006.

+1cc to M/S.S.Michael Heldonkumar, Advocate SR.No. 42970

+1cc to Special Government Pleader, SR.No. 43063

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JM/KK/SAR 2/20.02.2018/3P/5C