

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.283 of 2010
and W.P.M.P.No.1 of 2010

M.Sekar

...Petitioner

Versus

- 1.The Chairman,
The Teacher's Recruitment Board,
4th Floor, E.V.K.Sampath Building,
College Road, Chennai - 6.
- 2.The Secretary to Government,
Department of School Education, Secretariat,
Fort St.George, Chennai - 9.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent relating to Secondary Grade Teachers selection list as far as priority category is concerned dated Nil and quash the same as illegal and consequently direct the respondents to consider seniority in all priority categories in the process of appointment of secondary Grade teachers.

For Petitioner : Mr.S.Arokia Maniraj

For Respondents : Mr.K.Karthikeyan,
Government Advocate

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal.

2. The relief sought for in the present writ petition is to call for the records on the file of the first respondent relating to Secondary Grade Teachers selection list as far as

priority category is concerned dated Nil and quash the same as illegal and consequently direct the respondents to consider seniority in all priority categories in the process of appointment of secondary Grade teachers.

3. It is the case that the writ petitioner studied D.T.Ed in Tamil and registered his qualification in the office of the District Employment Office in Registration Number 1990M47241 in the year 1990. Since the petitioner gave land to the Government his name was registered in the priority category of Land Acquisition by the Employment Office.

3.1 Pursuant to the vacancy arose in the Education Department for secondary grade teaching post, the respondents sent an intimation Letter No.5015 for certificate verification for appointment of the Secondary Grade Teachers on 14.05.2009 to be held on 31.05.2009. The petitioner's Roll Number was assigned as 1250440 and he attended the certificate verification with his entire original certificates. The petitioner thought that he would be selected since he hold priority category based on the seniority, however, he was not selected.

3.2 The petitioner learnt that the respondents have not selected the candidates based on seniority in all priority categories instead of which they have selected the candidates who registered their names in the employment office subsequent to the year 1990. Hence, left with no other alternative, the petitioner filed the present writ petition for the relief stated supra.

4. In the counter affidavit, the first respondent has stated as follows:

(i) The petitioner's land has been acquired by the Government and his name was also registered under priority category in District Employment Office.

(ii) The petitioner attended the certificate verification in May 2009 under Land Acquisition Priority category. However, the petitioner was not selected for the post of Secondary Grade Teacher since the said land acquisition priority category did not reach the zone of selection.

(iii) As per the G.O.Ms.No.188, Personnel and Administrative Reforms Department, dated 28.12.1976, the priority category of land acquisition falls in Group II category V. Hence, the destitute widows, Inter-caste Marriage and dependant of Ex-servicemen/dependent of serving personnel/freedom fighters candidates were alone selected as the posts allotted under priority quota reached up to their level only.

(iv) The last candidate selected during the particular

selection under the priority quota is from dependant of Ex-servicemen category in the general turn (general) and Most Backward Class (general).

5. The learned Government Advocate appearing for the respondents submitted that in the selection process, the first respondent Board strictly followed the order of priority as per G.O.Ms.No.188, Personnel and Administrative Reforms Department, dated 28.12.1976 and that the petitioner was not selected for the post of Secondary Grade Teacher. He therefore prayed that the present writ petition is liable to be dismissed since the prayer sought for by the petitioner is impermissible in law.

6. In view of the submission made by the learned Government Advocate appearing for the respondents, this Court of the view is that the petitioner's case deserves no merit of consideration. Hence, the present writ petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mrr
To

- 1.The Chairman,
The Teacher's Recruitment Board,
4th Floor, E.V.K.Sampath Building,
College Road, Chennai - 6.
- 2.The Secretary to Government,
Department of School Education, Secretariat,
Fort St.George, Chennai - 9.

+1cc to the Government Pleader SR.92477

SJ(CO)
CB(09/12/2019)

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