

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.8931 of 2014
and
M.P.No.1 of 2014

A.Vinoth ... Petitioner

Vs.

1. The Secretary
Higher Education Department,
Fort St. George, Chennai -9.
2. The Director
Director of College Education,
College Road, Chennai.
3. The Director
Ex-Service Welfare Department,
22, Rajamuthiah Salai,
Kannappar Thidal, Chennai - 3.
4. The Secretary,
Teachers Recruitment,
E.V.K. Sampath Maligai,
DPI Compound, College Road,
Chennai - 6. ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the first respondent to appoint the petitioner as Assistant Professors in Tamilnadu College Educational Service (notification, dated 14.8.2008, Direct Recruitment) as per the observation made by the first, second, third and fourth respondent regarding the reservation for dependent's of ex-servicemen category.

For Petitioner : Ms.P.Uma

For Respondent : Mr.V.Kathirvelu, Spl.G.P. (Edn.)

O R D E R

According to the petitioner, the respondent issued notification, dated 14.8.2008 calling for applications to fill up the vacancies notifying 1195 vacancies in respect of various subjects including Lecturer in Computer Science. The petitioner herein applied for the post of Lecturer (Computer Science). The petitioner appeared before the respondent on 23.2.2009 for certificate verification. There was no ex-servicemen quota and the petitioner has filed the present writ petition before this Court by relying upon G.O.Ms.No.1161 issued by the Personnel and Administrative department, dated 22.11.1984 which governs the provisions of ward of an ex-servicemen to get priority in the employment has restricted the scope to employment through employment exchange only.

2. Counter affidavit has been filed by the third respondent wherein it is stated that in the notification, dated 14.8.2008, no indication of priority for candidates who are dependents of ex-servicemen in the aforesaid notification. It is also stated that the representations, dated 7.1.2012, 9.1.2012, 1.2.2012 and 9.1.2013 of the petitioner were carefully examined by the Government and a decision was taken by the Government that there is no need for seeking reservation for the dependents of ex-servicemen in the direct recruitment of Assistant Professor in Government Arts and Science College through Teachers Recruitment Board. The Government have also informed that no reservation has been made for ex-servicemen in the direct recruitment of Assistant Professors in Government Arts and Science Colleges through Teachers Recruitment Board. Therefore, petitioner cannot claim appointment under the ex-servicemen quota on the basis of G.O.Ms.No.1161, Personnel and Administrative Reforms (Personnel-R) Department, dated 22.11.1984.

3. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader (Edn.) appearing for the respondents and perused the materials available on record.

4. In the counter affidavit filed by the third respondent, it is clearly stated that no reservation has been made for ex-servicemen in the direct recruitment for the post of Assistant Professor in Government Arts and Science College. Further, there is no mention in the notification, dated 14.8.2008 that priority for candidates who are dependents of ex-servicemen. The G.O.Ms.No.1161, dated 22.11.1984 is not applicable to the appointment made through written examination conducted by the Teachers Recruitment Board. Therefore, there is no ground to interfere with the selection process of the Teachers Recruitment.

5. In view of the facts and circumstances of the case, the writ petition deserves to be dismissed and accordingly dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
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- 2 The Director
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College Road, Chennai.
- 3 The Director
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4. The Secretary,
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E.V.K. Sampath Maligai, DPI Compound, College Road,
Chennai - 6.

+1cc to the Government Pleader sr.24195

+1cc to M/S.P.Uma, Advocate sr.23803

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