



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)Nos.14049 to 14052 of 2014andM.P.(MD)Nos.1 and 1 of 2014 andM.P.(MD) Nos.2,2, 2 and 2 of 2014

K.Sundari	... Petitioner In W.P.(MD)No.14049/14
P.Sarkkaraiammal	... Petitioner In W.P.(MD)No.14050/14
S.Saranya	... Petitioner In W.P.(MD)No.14051/14
A.Kaleeswari	... Petitioner In W.P.(MD)No.14052/14

-Vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
School Education Deparment,
Secretariat,
Chennai.

2.The Chairman,
Teachers Recruitment Board,
College Road,Chennai.

...Respondents

In all writ petitions

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned notification/advertisement a advertisement No.05/2014 dated 06.08.2014 by the second respondent and quash the same as illegal and consequently to direct the respondents to provide priority for Ex-servicemen category as per Rule 22(ab) of the T.N.State and subordinate service Rules and G.O.Ms.No.1161 (Personal and Administrative Reforms (Personnel-R) Department) dated 22.11.1984 consequently consider the petitioners for the appointment to the post of Secondary Grade Teacher under the Ex-servicemen priority category.

In all the writ petitions:

For Petitioner	: Mr.D.Venkatesh
For R1	: Mrs.S.Srimathy, Special Government Pleader.
For R2	: Mr.V.R.Shanmuganathan, Special Government Pleader.

**COMMON ORDER**

The recruitment notification No.05/2014 dated 06.08.2014 issued by the second respondent is sought to be quashed.

2. The recruitment notification was issued for appointment to the post of Secondary Grade teacher and the impugned notification dated 6.8.2014 provides quota for ex-service men and there is no separate quota for the dependant of ex-service men. Once quota is provided for the ex-service men alone, the dependants of the ex-service man cannot claim any priority for appointment to the post of Secondary Grade Teacher.

3. The quota or priority for ex-service men, sports persons, destitute widow etc are provided by the Government considering the job profile and other aspects of the matter. The court cannot interfere with a policy regarding the prescription of quota for appointment to the particular post or cadre. As far as the present impugned notification is concerned, the priority quota was granted to the ex-service men and therefore, the writ petitioners, who are the dependants of the ex-service men cannot claim any quota for the appointment of Secondary Grade Teacher.

4. Admittedly, the petitioners are the dependants of the ex-service men as per notification. They are not entitled to avail the quota. The notification cannot be quashed in view of the fact that prescription is the policy decision of the Government and the same cannot be claimed as a matter of right. Accordingly, the writ petitions devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

CM

1.The Secretary, State of Tamil Nadu,
School Education Department,
Secretariat, Chennai.

2.The Chairman, Teachers Recruitment Board,
College Road, Chennai.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 73972

W.P. (MD) Nos.14049 to 14052 of 2014
and M.P. (MD) Nos.1 and 1 of 2014 and
M.P. (MD) Nos.2,2, 2 and 2 of 2014

05.07.2019