



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.14430 of 2014

J.Ezhil Auxilia

... Petitioner

-Vs-

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

2.Teachers Recruitment Board,
Represented by its Member Secretary,
4th Floor, E.V.K.Sampath Maligai,
DPI Compound,
College Road, Chennai.

... Respondents

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 advertisement No.05 dated 6.8.2014 issued by the second respondent with regards to para "Candidates who claim reservation under the Ex-servicemen Quota should submit necessary certificate in support of their claim, Candidates who have served in the Armed Forces alone are eligible to claim under the Ex-Servicemen Quota. (The candidate himself should be Ex-serviceman) and quash the same and consequently direct the second respondent to appoint the petitioner in the post of B.T.Assistant (Maths) under the Ex-Servicemen Quota.

For Petitioner : Mr.P.Arun Jayatram

For R1 : Mrs.S.Srimathy,
Special Government Pleader.

For R2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

**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 B.T. Assistant 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 B.T. Assistant.

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 for 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 petitioner, who is the dependant of the ex-service man cannot claim any quota for the appointment of B.T. Assistant.

4. Admittedly, the petitioner is the dependant of the ex-service man. As per notification, she is not entitled to avail the quota. The notification cannot be quashed in view of the fact that prescription is a policy decision of the Government and the same cannot be claimed as a matter of right. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS-)

CM

To

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

2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Compound, College Road, Chennai.

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