



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14752 of 2014

A.Davidbasandar

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai-09.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 4.The Teachers Recruitment Board,
Represented by its Member-Secretary,
4th Floor, EVK Sampath Malikai,
College Road, Chennai-06.

... Respondents

Prayer: Writ Petition is 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 No.02/2014, dated 14.07.2014 and Addendum to Advertisement No.02/2014, dated 14.07.2014 and Addendum II to Advertisement No.02/2014, dated:25.08.2014 issued by the fourth respondent Teacher Recruitment Board insofar as it fails to provide priority for the dependents of Service personnel in the appointment to the posts of B.T. Assistant (Physics) and quash the same and further direct the first respondent State Government and the fourth respondent Teachers Recruitment Board to select and appoint the petitioner in the post of B.T. Assistant (Physics) under the priority category of Dependents of Service Personnel based on G.O.Ms.No.188 (Personnel and Administrative Reforms Department) dated 28.12.1976.

For Petitioner : Mr.Muthuvelan
For M/s.Isaac Chambers

<https://hcservices.ecourts.gov.in/hcservices/>

For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader.



For R4

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

ORDER

WEB COPY

The recruitment notifications dated 14.07.2014 and 25.08.2014 for appointment to the post of B.T. Assistants for the year 2012-13 are under challenge in the present Writ Petition.

2.The main contention of the writ petitioner is that Ex-Servicemen quota has not been provided under the priority category.

3.This Court is of the considered opinion that providing of quota cannot be claimed as a matter of right. Providing of Ex-Servicemen quota does not fall under the rule of reservation. Such priority categories are decided by the Government, based on certain criterias and considering the job profile and other aspects of the matter. However, the priority category or quota can never be claimed as a matter of right by the candidates, who are all aspiring to seek an employment for the post of B.T. Assistants or otherwise.

4.This being the principles to be followed, the writ petitioner cannot seek any quota by filing a Writ Petition and providing of such category is a policy decision to be taken by the Government, considering the job profile, nature of duties and responsibilities and other aspects of the matter.

5.However, it is brought to the notice of this Court that the recruitment had already been completed and the selected persons were already appointed as B.T. Assistants. Under these circumstances, this Court is not inclined to consider the relief as such sought for in the present Writ Petition.

6.Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-09.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Director of School Education,
College Road, Chennai-600 006.



3.The Director of Elementary Education,
College Road, Chennai-600 006.

4.The Member-Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Malikai,
College Road, Chennai-06.

+1 CC to SPL GP SR-73399.

+1 CC to M/s.ISAAC CHAMBERS, Advocate SR-73295.

W.P(MD) No.14752 of 2014

CS: 15/07/2019 3P 7C