



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.14843 of 2014

T.Stephen

... Petitioner

Vs

01.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St. George Fort,
Secretariat,
Chennai.

02.Teachers Recruitment Board,
Rep. by its Member Scretary,
4th Floor, DPI Campus,
College Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner for appointment to the post of B.T.Assistant (English), under Ex-Servicemen Priority Category and appoint petitioner to the said post.

For Petitioner	:	Mr.A.L.Kannan
For R1	:	Mrs.S.Srimathy, Special Government Pleader
For R2	:	Mr.VR.Shanmuganathan Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to the second respondent to consider the petitioner for appointment to the post of B.T.Assistant (English), under Ex-Servicemen Priority Category.

2.The learned counsel appearing on behalf of the writ petitioner states that pursuant to the recruitment notification, dated 14.07.2014, the writ petitioner participated in the process of selection for appointment to the post of B.T.Assistant (English).



The writ petitioner is an Ex-Serviceman and therefore, he seeks appointment under priority category. Admittedly, there is no such priority provided in the recruitment notification.

3. The learned Special Government Pleader appearing on behalf of the respondents states that only in the event of providing such priority to the Ex-servicemen in the recruitment notification, the benefit can be granted and not otherwise.

4. This Court is of the considered opinion that the priority quota is a policy decision to be taken by the Government. Priority for Ex-servicemen, Sports person, Widow etc., are to be provided considering the job profile and other aspects of the issues by the Government. The Court cannot consider the case under priority category in the absence of any such priority mentioned in the recruitment notification. In the absence of any such policy decision by the Government, the power of judicial review cannot be exercised for the purpose of granting appointment under priority category. In the present case on hand, as per the notification issued by the Second respondent, dated 14.07.2014, there is no priority for Ex-servicemen and therefore, the writ petitioner was allowed to participate in the general category. Thus, the relief as such sought for in the present writ petition cannot be granted. However, In the event of providing any such priority in the forthcoming recruitment notification, the writ petitioner is at liberty to participate in the process of selection, if he is otherwise qualified and eligible, in accordance with the terms and conditions of the recruitment notification.

5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

01. The Principal Secretary to Government,
School Education Department, St. George Fort,
Secretariat, Chennai.

02. The Member Secretary, Teachers Recruitment Board,
4th Floor, DPI Campus, College Road, Chennai.

+One cc to The Special Government Pleader, SR.No.73983