



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.17904 of 2014
and
M.P. (MD) Nos.1 and 2 of 2014

Anni Karoline Shakila

... Petitioner

-Vs-

1.State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St. George, Chennai-600 009.

2.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 advertisement No.05 dated 06.08.2014 issued by the second respondent with regard 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-Servicemen) and quash the same and consequently direct the second respondent to appoint the petitioner in the post of Secondary Grade Teacher under the priority category of Dependent of Service Personnel Quota.

For Petitioner : Mr.A.Jayaramachandran

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

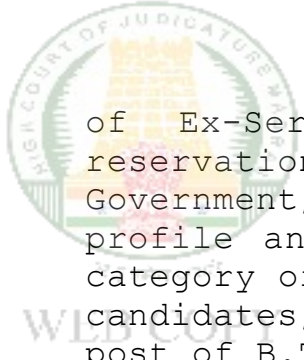
For R2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

The recruitment notification dated 06.08.2014 for appointment to the post of B.T. Assistants for the year 2012-13 is 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.

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

W.P (MD) No.17904 of 2014
03.07.2019

KM/ (11.07.2019) 2P 3C