



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.7850 of 2015

and

M.P. [MD]Nos.1 to 3 of 2015

WEB COPY

B.Josephine Jeyanthi

... Petitioner

Vs.

1.The State of Tamil Nadu,

Represented by its Principal Secretary,
School Education Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Teachers Recruitment Board,

Represented by its Chairman,
4th Floor, E.V.K. Sampath Maligai,
College Road,
Chennai - 6.

3.The Director,

Directorate of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

4.The School Education Joint Director (Vocational Education),

DPI Complex,
College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the result published by the second respondent through the internet on their website declaring petitioner's candidature as Not within the cut off and quash the same as illegal, consequently directing the respondents 1, 3 and 4 to take necessary action to appoint the petitioner as Computer Instructor under the priority category of dependent of service personnel within the time stipulated by this Court.

For Petitioners

: Mr.R.Alagumani

For Respondents 1,3&4

: Mrs.S.Srimathy

Special Government Pleader

For Respondent No.2

: Mr.V.R.Shanmuganathan

Special Government Pleader

O R D E R

The grievance of the writ petitioner is that the petitioner was not selected and appointed under the dependency of Ex-serviceman quota. Admittedly, as per the recruitment notification, no such quota was notified. This apart, the writ petitioner was not selected for appointment to the post of Computer Instructor.

2.Learned Counsel for the writ petitioner states that the petitioner is a dependent of an Ex-serviceman. Therefore, she must be considered under the dependency quota.

3.Learned Special Government Pleader appearing for the respondents states that no such quota has been notified in the recruitment notification.

4.Quota or priority can be granted by the Government by way of a policy. Court cannot grant any such quota or priority in the absence of any such specific notification. Admittedly, as per the notification quota for dependent of Ex-serviceman has not been provided. Quota has been provided only for Ex-serviceman and not for dependants. This being the factum, the writ petitioner cannot seek any priority after participating in the selection and becoming unsuccessful in the process of selection. When the writ petitioner was not selected and not within the zone of consideration, now she cannot come and say that she must be selected and appointed on the basis of the dependant quota. Such a pleading cannot be accepted.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Secretariat,
Fort St. George,

<https://hcservices.hcsonline.in/hcservices> 009.



2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
College Road,
Chennai - 6.

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3.The Director,
Directorate of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

4.The School Education Joint Director (Vocational Education),
DPI Complex,
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