



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.14865 of 2014

V.Balakrishnan

... Petitioner

-Vs-

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

2.The Chairman,
Teachers Recruitment Board,
College Road, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification/advertisement in advertisement No.05/2014 dated 6.8.2014 by the 2nd respondent and quash the same as illegal and consequently direct the respondent to provide priority for Ex-Servicemen category as per Rule 22(ab) of the Tamil Nadu State and Subordinate Service Rules and G.O.Ms.No.1161 (Personnel and Administrative Reforms (Personnel-R) Department) dated 22.11.1984 consequently consider the petitioner for the appointment to the post of Secondary Grade Teacher Under the Ex-Servicemen priority Category .

For Petitioner : Mr.G.Marimuthu

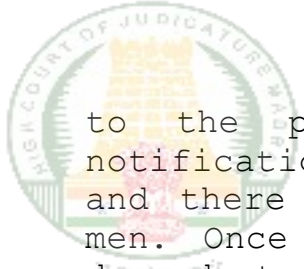
For Respondents : Mrs.S.Srimathy
Special Government Pleader
(for R1)

Mr.VR.Shanmuganathan
Special Government Pleader (for R2)

ORDER

The recruitment notification No.05/2014 dated 06.08.2014 issued by the second respondent is sought to be quashed.
<https://hcservices.ecourts.gov.in/hcservices/>

2.The recruitment notification was issued for appointment



to the post of Secondary Grade teacher and the impugned notification dated 06.08.2014 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 dependant of the ex-service man cannot claim any priority for appointment to the post of Secondary Grade Teacher.

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 men cannot claim any quota for the appointment of Secondary Grade Teacher.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Chairman,
Teachers Recruitment Board,
College Road, Chennai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-75023[F] dated 12/07/2019)

SJI/NS

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KM/ (23.07.2019) 2P 4C