



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.15448 of 2014

and

M.P (MD) No.2 of 2014

V.Lakshmiammal

... Petitioner

-Vs-

1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
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 impunged Notification/advertisement in No.05/2014 dated 06.08.2014 issued by the 2<sup>nd</sup> respondent and quash the same as illegal and consequently to direct the respondents to provide priority for 'Destitute Widow Category' as per the Rule 21 of Tamil Nadu state and subordinate service Rules and consider the petitioner for the appointment to the post of secondary Grade Teacher under the 'Destitute Widow Category'.

For Petitioner : Mr.P.Subbaraj

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

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

**ORDER**

The notification for recruitment to the post of Secretary Grade Teacher for the year 2012-13 is under challenge in the present writ petition. The petitioner pleads that on the ground that the priority for 'Destitute Widow Category' has not been provided in the said notification.



2. The writ petitioner states that she is a 'Destitute Widow' and completed Higher Secondary Course with Diploma in Teachers Training. Thus, the writ petitioner claims that she is fully qualified for appointment to the post of Secondary Grade Teacher. The petitioner has already registered her name in the District Employment Exchange. Pursuant to the notification issued for appointment to the post of Secondary Grade Teacher, the writ petitioner participated. However, she was not selected, on account of the fact that there is no separate priority quota for 'Destitute Widow'.

3. First of all, the writ petitioner participated in the process of selection by accepting the terms and conditions issued in the notification. Thus, after participating in the process of selection she cannot claim her name should be considered under the priority quota for 'Destitute Widow'.

4. Admittedly, no such quota for 'Destitute Widow' has been provided in the recruitment notification of the year 2012-13. Priority quota is the administrative prerogative of the Government and only in the event of providing any priority quota, the candidates can avail the same and not otherwise. Rule of reservation is the constitutional mandate, however, providing priority quota, is the discrepancy of the employer a decision in this regard is to be taken considering the job profile and other aspects of the matter. Therefore, the 'Destitute Widow' priority cannot be claimed as a matter of legal right by the candidates. Only in the event of any such notification for priority, then alone the candidates can claim the priority and not otherwise. This being the legal principles to be adopted non-prescription of priority quota specifically for 'Destitute Widow' cannot vitiate the entire notification. This apart pursuant to the impugned recruitment notification, the selected candidates were appointed and working for the post more than 5 ½ of years.

5. Under these circumstances, the claim set out in the present writ petition deserves no merits for consideration and accordingly, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

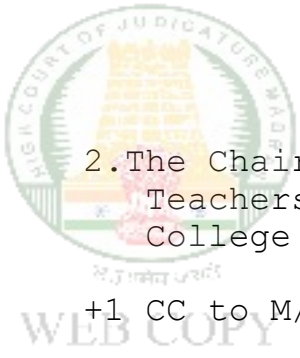
Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS- )

To

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



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

+1 CC to M/s.P.SUBBARAJ, Advocate ( SR-75107[F] dated 12/07/2019 )

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sjj/Ns  
ES/23.07.2019/3P/4C