



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.15515 of 2014

V.Thangamariammal

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by the Secretary,
Personal and Administrative Reforms Department,
Fort St.George, Chennai.

2.The State of Tamil Nadu
Represented by
The Secretary,
School Education Department,
Fort St.George, Chennai.

3.The Teacher Recruitment Board,
Represented by, The Chairman,
College Road, Chennai - 600 006.

4.The Selection Committee,
The Teacher Recruitment Board,
Represented by, The Member Secretary,
College Road,
Chennai - 600 006.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third and fourth respondents herein to revise the provisional list of appointment to the post of Secondary Grade Teachers dated 26.08.2014 by giving priority to persons as mentioned in G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel-P) Department, dated 28.12.1976 as well as the subsequent amendment made to it in G.O. Ms.No.1161 (Personal-R) Department dated 22.11.1994.

For Petitioner	: Mr.Pon Senthil Kumaran
For Respondents	: Mr.V.R.Shanmuganathan, Special Government Pleader.



ORDER

The relief as such sought for in the present Writ Petition is for a direction to direct the respondents 3 and 4 to revise the provisional list of appointment to the post of Secondary Grade Teachers dated 26.08.2014 by giving priority to persons as mentioned in G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel-P) Department, dated 28.12.1976 as well as the subsequent amendment made to it in G.O. Ms.No.1161 (Personal-R) Department dated 22.11.1994.

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 Secondary Grade Teachers 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.Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary,
The State of Tamil Nadu,
Personal and Administrative Reforms Department,
Fort St.George, Chennai.



2.The Secretary,
The State of Tamil Nadu
School Education Department,
Fort St.George, Chennai.

3.The Chairman,
Teacher Recruitment Board,
College Road, Chennai - 600 006.

4.The Member Secretary,
The Selection Committee,
The Teacher Recruitment Board,
College Road, Chennai - 600 006.

+1 CC to M/s.S.PON SENTHIL KUMARAN, Advocate (SR-78588[F] dated
30/07/2019)

W.P. (MD)No.15515 of 2014

AM/SAR/09.08.2019/ 3P 6C