



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.16430 of 2014
and
M.P.(MD) No.2 of 2014

A.Maria Jecintha

... Petitioner

vs.

1.State of Tamil Nadu
rep.by its Secretary to Government
School Education Department
Secretariat, Chennai-600 009

2.The Director of School Education
Chennai-6

3.The Teachers Recruitment Board
rep.by its Member Secretary
4th Floor, E.V.K.Sampath Maaligai
DPI Compound, College Road
Chennai-6

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the order passed by the 3rd Respondent in his proceedings in Advertisement No.05/2014, dated 06.08.2014 and quash the same, in so far as 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 direct the Respondents to appoint the petitioner as B.T.Assistant (Chemistry) and confer all the consequential benefits.

For Petitioner : Mr.V.Panneerselvam
for M/s.C.S.Associates

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

The recruitment notification No.05/2014, dated 06.08.2014, issued by the third respondent, is sought to be quashed.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The recruitment notification was issued for appointment to the post of B.T.Assistant and the impugned notification dated 06.08.2014 provides quota for ex-servicemen and there is no separate quota for the dependants of ex-servicemen. Once quota is provided for the ex-servicemen alone, the dependants of the ex-servicemen cannot claim any priority for appointment to the post of B.T.Assistant.

3. The quota or priority for ex-servicemen, 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 of 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-servicemen and therefore, the writ petitioner, who is the dependant of the ex-serviceman cannot claim any quota for the appointment to the post of B.T.Assistant.

4. Admittedly, the writ petitioner is the dependant of the ex-serviceman as per notification. She 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 is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Director of School Education,
Chennai-6.
- 3.The Member Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai-6.

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+1 CC to M/s.V.PANEER SELVAM, Advocate (SR-82086[F] dated
16/08/2019)

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W.P. (MD) No.16430 of 2014
and
M.P. (MD) No.2 of 2014
14.08.2019

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