



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.2860 of 2014

A.Benazir

... Petitioner

Vs.

1.The Assistant Director,
Professional and Executive Employment,
Branch Office,
Madurai.

2.The District Employment Officer,
Professional and Executive Employment,
Branch Office,
Madurai - 625 007.

... 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 pertaining to the impugned endorsement of the second respondent in அதிழு அ5/358/12 dated 20.03.2012 made in the petitioner's application dated 09.01.2012, quash the same and further direct the respondents to register her inter-caste marriage certificate.

For Petitioner : Mr.R.V.Rajkumar

For Respondents : Mr.M.Jeyakumar

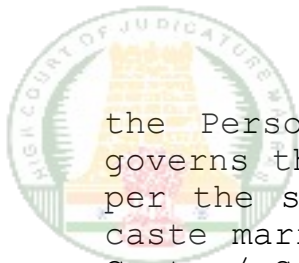
Additional Government Pleader

O R D E R

The order of rejection dated 20.03.2012, rejecting the claim of the writ petitioner to register her inter-caste marriage certificate enabling the writ petitioner to avail the priority quota is under challenge in the present writ petition.

2.The writ petitioner states that she registered her name in the employment exchange and she has married one Mr.Sathiyarayanan, who belong to Hindu Brahmin, which is categorised as Forward Community. The petitioner states that she is having a female child also. However, the respondents have refused to receive the inter-caste marriage certificate in the employment exchange for the purpose of availing priority quota for employment. Challenging the said order, the present writ petition is filed.

3.The learned Additional Government Pleader appearing for the respondents states that G.O.Ms.No.939 dated 24.09.1986, issued by



the Personal and Administrative Reforms (Personnel.R) Department governs the criteria for giving 'inter-caste' marriage priority. As per the said Government order, priority may be assigned to inter-caste married couple where one of the spouses belongs to Scheduled Caste / Scheduled Tribe for sponsoring through employment exchange. Further more, the Secretary to Government has issued letter No.11/Se/Sa.Si/2000-1 dated 14.02.2000, wherein it is categorised that either of the spouse must belong to Scheduled Caste / Scheduled Tribe community, irrespective of their religion. In the case of the writ petitioner, she belongs of Backward Community and her husband belongs to Forward Community. Thus, the writ petitioner cannot get priority as per the Government Orders in force.

4.This being the factum, this Court is of the opinion that the regulation of priority category is administrative prerogative. When the Government has not issued any orders providing any priority to inter-caste marriage, where one of the spouse do not belong to SC / ST community, then, the benefit of inter-caste marriage quota cannot be granted. This being the Government orders in force, the writ petitioner cannot claim any priority quota on the ground that she is entitled to avail the benefit of inter-caste marriage.

5.Under these circumstances, there is no infirmity as such in respect of the order of rejection. In the absence of any policy in this regard, the writ petitioner cannot claim the benefit of inter-caste marriage quota. Providing of priority quota is a policy decision to be taken by the Government and in the absence of any such policy, the writ petitioner cannot claim priority quota. When such registration of inter-caste marriages is not done in other similar cases, the said benefit cannot be granted to the writ petitioner alone. This being the principles to be followed, the writ petition is devoid of merits.

6.Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The Assistant Director,
Professional and Executive Employment,
Branch Office,
Madurai.



2.The District Employment Officer,
Professional and Executive Employment,
Branch Office,
Madurai - 625 007.

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+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 82880

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CS (CO)
TR (30.08.2019) 3P 4C