



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4649 of 2015

and

M.P. (MD) Nos.1 to 3 of 2015

R.Naveetha

... Petitioner

-Vs-

1.The Government of Tamil Nadu,  
Represented by its Secretary to Government,  
Personnel and Administrative Reforms Department,  
Secretariat, Chennai-600 009.

2.The Director of Employment and Training,  
Guindy, Chennai-600 032.

3.The Member Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maligai,  
DPI Compound, College Road,  
Chennai-600 006.

4.The Director of School Education,  
DPI Compound, College Road,  
Chennai-600 006.

5.The Director of Ex-Servicemen's Welfare,  
22, Raja Muthiah Salai, Kannappar Thidal,  
Chennai-600 003.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the G.O.Ms.No.188 P& AR Department, dated 28.12.1976 of first respondent [Group-II(ii)] insofar as non-fixation of number of posts / ratio / rotation and turn for selection of the "Destitute Widow", Inter Caste Married" and Ex-Servicemen Dependents" candidates for appointment in Government and consequent "Provisional Selection List dated 20.03.2015 published by the third respondent for direct recruitment of Computer Instructors for Government Higher Secondary Schools under the control of Directorate of School Education, Chennai for the year 2014" and quash the same and consequently, direct the



respondents to publish the actual number of posts allotted for the priority categories viz., Destitute Widow (DW), Inter-Caste Married (ICM) and Ex-Servicemen (DEX) in the Advertisement No.07/2014 dated 13.10.2014 issued by the third respondent based on under Rule-22 of the Tamil Nadu State and Subordinate Service Rules in force at present and G.O.No.55 P & AR Department dated 08.04.2010 of the first respondent and publish fresh selection list for appointment to the posts of Computer Instructors under Ex-Servicemen dependent Priority category under General Turn and B.C., in the Government Higher Secondary School under the control of the Director of School Education, Chennai for the year 2014.

For Petitioner : Mr.A.Thirumurthy,  
For M/s.Victory Associates.

For R1, R2, R4 : Mrs.S.Srimathy,  
& R5 Special Government Pleader.

For R3 : Mr.V.R.Shanmuganathan,  
Special Government Pleader.

#### ORDER

The G.O.Ms.No.188 P& AR Department, dated 28.12.1976 of the first respondent and the Provisional Selection List dated 20.03.2015 issued by the third respondent are sought to be quashed.

2.The recruitment notification was issued for appointment to the post of Computer Instructor and in the Government Order dated 28.12.1976 there is no separate quota for the dependant of ex-service men. Once quota is provided for the ex-service men alone, the dependants of the ex-servicemen cannot claim any priority for appointment to the post of Computer Instructors.

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 Government Order is concerned, the priority quota was granted to the ex-servicemen and therefore, the writ petitioner, who is the dependant of the ex-service men cannot claim any quota for the appointment of Computer Instructor.

4.Admittedly, the petitioner is the dependant of the ex-servicemen as per notification. He is not entitled to avail the quota. The Government Order 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.



5. Accordingly, the Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,  
Government of Tamil Nadu,  
Personnel and Administrative Reforms Department,  
Secretariat, Chennai-600 009.
2. The Director of Employment and Training,  
Guindy, Chennai-600 032.
3. The Member Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maligai,  
DPI Compound, College Road,  
Chennai-600 006.
4. The Director of School Education,  
DPI Compound, College Road,  
Chennai-600 006.
5. The Director of Ex-Servicemen's Welfare,  
22, Raja Muthiah Salai, Kannappar Thidal,  
Chennai-600 003.

+1 CC to M/s.SPL GP ( SR-83002[F] dated 22/08/2019 )

**W.P. (MD) No. 4649 of 2015**  
**21.08.2019**

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