

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.01.2020
CORAM:
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.727 of 2020
& WMP No.880 of 2020

M.Sakthivel

.. Petitioner

Vs

1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006

2.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pass orders for selection and appointment to the post of P.G. Assistant(Maths) based on the marks secured by the petitioner vide Notification issued by the second respondent in No.10/2019 dated 12.06.2019 in the vacancy reserved for ST(G) category without allocating the same for ST(LV) category, with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondent : Mrs.V.Annalakshmi, GA

ORDER

This Writ Petition has been filed challenging the non-selection of the petitioner, who participated in the selection and appointment to the post of P.G. Assistant(Maths).

2. The respondents issued notification dated 12.06.2019 inviting applications from the eligible candidates for Direct Recruitment to the post of P.G. Assistant(Maths), by which 263 vacancies were sought to be filled up. As per the notification, 4% reservation was given to persons with disability.

3. The petitioner, who belongs to ST community had applied for selection to the above said post and he also participated in the On-Line examination, in which he secured 67 marks. The petitioner also participated in the Certificate verification. The provisional list was published by the respondents but the

name of the petitioner was not included in the revised provisional selection list issued on 02.01.2020, and the post of Schedule Tribe(LV) was indicated as 'not available' since no suitable candidate was available. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Mr.G.Sankaran, learned counsel appearing for the petitioner submitted that the notification earmarked two vacancies for ST candidates and that two vacancies were earmarked for ST(G) and ST(W). According to the learned counsel, the respondents went wrong in earmarking one of the seats for ST(LV).

5. Per contra, Mrs.V.Annalakshmi, learned Government Advocate for the respondents submitted that the Recruitment Board earmarked 252 vacancies for P.G. Assistant(Maths) and 11 vacancies for persons with disabilities in the current vacancies. The Board had reserved one vacancy for ST(LV). The learned Government Advocate also submitted that as per the roster, the current roster point for Mathematics was fixed at roster point 1750 which was reserved for ST (LV). Since no candidate was available under the said category, the said post was not filled up. The learned Government Advocate also relied upon Section 27(3) (bbb) of the Tamil Nadu Government Servants Conditions of Service Act 2016 and submitted that where in a recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability, such vacancy shall be carry forward in the succeeding recruitment. The learned Government Advocate submitted that in accordance with the said provision, since no candidate was available towards the ST(LV) category, it was carried forward to the next recruitment. The learned counsel also submitted that the respondents have acted strictly in accordance with law and there is absolutely no ground to interfere with the provisional selection list that was published by the respondents.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. It is seen from records that totally 11 vacancies were earmarked towards candidates, falling under the persons with disability category. One such vacancy was earmarked for ST(LV). This was done by taking into consideration the roster point whereby, the roster point at 1750 was reserved for ST(LV) category. No candidate was available under this head and admittedly, the petitioner does not fall under this head. In view of the same, the respondents will have to necessarily carry forward the vacancy for the succeeding recruitment, in view of the provisions of Section 27(3) (bbb) of the Tamil Nadu Government Servants Conditions of Service Act 2016.

8. This Court does not find any illegality in the process adopted by the respondents and the respondents have acted strictly in accordance with law. The petitioner does not admittedly fall within the category ST(LV) and therefore, he cannot claim any right in the selection.

9. In the result, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006

2.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.

+1cc to Mr.G.Sankaran, Advocate, SR.No.4102.
+1cc to Government Pleader, SR.No.4760.

NRL(CO)
CSR: 20.02.2020

W.P.No.727 of 2020

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