

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.02.2020
CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4710 of 2020

M.Sivaraman

.. Petitioner

.v.

1.The State of Tamilnadu,
Rep.by its Principal Secretary to Government,
Department of School Education,
Chennai 600 009.

2.The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 006.

3.The Teachers Recruitment Board,
Rep.by its Member Secretary,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 006.

.... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.02.2020 to include petitioner's name in the provisional Selection List in history under direct recruitment for the post of post Graduate Assistants/Physical Education Directors Grade I-2018-2019 dated 02.01.2019 and appoint him as post Graduate Assistants in history in the light of the judgment in W.P.No.34099 of 2019 batch cases dated 09.01.2020.

For Petitioner : Mr.M.S.Soundararajan

For Respondents : Mrs.V.Annalakshmi

Government Advocate for RR1 & 2

Mr.C.Munusamy

Special Government Pleader for R3

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner and to include his name in the provisional selection list with respect to P.G. Assistants (History).

2. The third respondent issued a Notification on 12.06.2019, inviting applications through On-line from eligible candidates for direct recruitment to the posts of Post Graduate Assistants/Physical Education Directors, Grade-I, in School Education and other Departments for the year 2018-2019.

3. The petitioner applied On-line for the post of PG Assistant (History). The petitioner participated in the written examination and secured 75 marks. When the provisional list was published, the name of the petitioner was not found in the list and aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Mr.M.S.Soundararajan, learned Counsel appearing on behalf of the petitioner primarily raised two grounds in the present writ petition. The first ground that was raised by the learned counsel is that as per the Notification, out of 91 vacancies 48 vacancies were allotted for MBC Candidates, of those 38 vacancies were allotted for Backlog vacancies and balance 10 for current vacancies insofar as History subject is concerned. The learned counsel by bringing to the notice of this Court the impugned provisional list, submitted that the petitioner had obtained 75 marks, which is minimum eligibility marks for MBC and he was also directed to attend certificate verification on 21.01.2020, however he was not appointed. The second issue that has been raised by the learned counsel for the petitioner is that this Court had earlier passed orders in W.P.No.34099 etc., of 2019, dated 09.01.2020, wherein, this Court had directed the 3rd respondent to prepare a fresh provisional selection list by fitting candidates under the general turn only based on their merit and ranks, irrespective of their community and to fit in the candidates under the community quota only if they do not come within the merit category. The learned counsel for the petitioner submitted that by virtue of this direction, the entire complexion of the provisional list will change and persons who were accommodated under the MBC quota inspite of being meritorious, will be considered under the general turn and as a result of the same, there will be consequent vacancies under the MBC category and therefore, the petitioner can be considered in those vacancies based on the marks secured by him in the written test. This alternate argument was raised by the learned counsel for the petitioner if the first issue raised by him is not accepted by this Court.

5. Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents submitted that the marks secured by the petitioner was nowhere near the marks obtained by the last candidate, who was accommodated under the MBC quota. Insofar as the second issue is concerned, the learned Government Advocate submitted that the 3rd respondent is taking steps to file an appeal against the orders passed by this Court in W.P.No.34099 etc., of 2019, dated 09.01.2020.

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

7.Insofar as the first issue raised by the learned counsel for the petitioner, the same has been sufficiently met by the Government Advocate and there is a lot of force in the submission made by the learned Government Advocate. The marks secured by the petitioner was not enough to bring the petitioner within the general turn.

8.Insofar as the alternative submission made by the learned counsel for the petitioner is concerned, if the order passed by this Court in W.P.No.34099 etc., of 2019, dated 09.01.2020, is acted upon or is affirmed in the appeal, then consequently there will be vacancies under the MBC category and at that point of time depending upon the marks secured by the petitioner, she can be considered for appointment under the MBC category. Since the 3rd respondent has decided to take up the matter on appeal, no positive directions can be given at this stage. However, the right of the petitioner to be considered under the MBC category is left open and if and when the orders passed by this Court is implemented, at that point of time, the 3rd respondent shall consider the candidature of the petitioner under the MBC quota depending upon the marks secured by the petitioner in the written examination.

9.This Writ petition is disposed of accordingly, No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

jv
To

WEB COPY

1.The Principal Secretary to Government,
Government of Tamilnadu,
Department of School Education,
Secretariat,
Chennai 600 009.

2.The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai 600 006.

3.The Member Secretary
Teachers Recruitment Board,
DPI Campus, College Road,
Nungambakkam,

Chennai 600 006.

+1cc to Mr.m.S.Soundararajan , Advocate SR.No. 16095
+1 cc to Government Pleader Sr.No. 16708

W.P.No.4710 of 2020

A.SK(09/03/2020)



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