

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30609 of 2013

And

M.P.No.1 of 2013

V.Mohan Babu

... Petitioner

Vs.

1.The State of Tamil Nadu represented by its
Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 9.

2.The Director of School Education,
DPI Complex,
College Road,
Chennai – 600 006.

3.The Teachers' Recruitment Board,
represented by its Chairman,
DPI Compound,
College Road,
Chennai – 600 006.

4.C.Sasisailaja

5.M.Prema

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the third respondent herein to

select the fourth respondent in the general turn women's category instead of Most Backward Class general turn and consequently select and appoint the petitioner to the post of B.T.Assistant Chemistry Telugu in the Most Backward Class general category.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Mr.S.Suresh Kumar for R1 and R2
Government Advocate
Mr.C.Munusamy for R3
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the third respondent to select the fourth respondent in the general turn women's category instead of Most Backward Class general turn and to consequently select and appoint the petitioner to the post of B.T.Assistant Chemistry Telugu in the Most Backward Class general category.

2.The case of the petitioner is that the petitioner has completed B.Sc.Chemistry and B.Ed. in Chemistry and has registered his qualification in Thiruvalluvar District Employment Exchange on 16.10.2007. According to the petitioner, he belong to Most Backward Class category and is fully qualified for appointment to the post of B.T.Assistant Chemistry (Telugu).

3.It is the further case of the petitioner that based on the sponsorship made by the Employment Exchange, the petitioner was called for certificate verification and he also attended the same, however, the name of the petitioner did not find place in the provisional list published by the respondents. Subsequently, the third respondent published the list of selected candidates along with the list of candidates sponsored by the Employment Exchange and when the said lists were compared, the erroneous and illegal method of application of reservation for selection came to light.

4.It is the further case of the petitioner that insofar as reservation is concerned in the State of Tamil Nadu, the same is to be carried out as per Rule 22 of the Tamil Nadu State and Subordinate Service Rules. The application of reservation by the third respondent is against the Tamil Nadu State and Subordinate Service Rules as well as several judgments of this Court and Hon'ble Apex Court. Hence, this writ petition.

5.The learned counsel appearing for the petitioner would submit that the petitioner belongs to Most Backward Class category. As per

the list published by the third respondent, the fourth respondent has been selected in the Most Backward Class General category, however, in the list of candidates sponsored to the third respondent, she is shown under the General Turn Women category. Hence, the fourth respondent ought to have been selected under the General Turn Women category. The fifth respondent has been selected under the General Turn Women category and her date of registration with the Employment Exchange is 18.10.2007. The learned counsel would further submit that due to the illegal and erroneous application of reservation by the third respondent, the petitioner is deprived of the post based on the communal reservation.

6.The learned Special Government Pleader appearing for the third respondent, pointing out to the counter affidavit filed by the third respondent, would submit that during the year 2009 – 2010, the Board took measures to recruit Graduate Teachers in various subjects through employment registration seniority. He would further submit that after certificate verification, the Board published the final selection list of provisionally selected candidates.

7.The learned Special Government Pleader appearing for the

third respondent would further submit that out of the 7 candidates selected for the post of B.T.Assistant in Chemistry (Telugu), there was one vacancy in GT (Priority) category and another in MBC (G) category. As no priority candidate was available in GT (Priority) category, one candidate by name M.Chandra Kumari with the date of registration 19.01.1996 was selected. In another vacancy reserved for MBC (G) category, one candidate by name C.Saisailaja with date of registration 01.08.2006 was selected. Since the date of registration of the petitioner was beyond the above said dates, he was not considered for selection. He would further submit that the statement of the petitioner that one M.Prema with date of registration 18.10.2007, has been selected in the vacancy is totally false and would further submit that no such candidate is found in the entire list.

8.Heard the arguments advanced on either side and perused the materials available on record.

9.Admittedly, the petitioner has completed B.Sc.Chemistry and B.Ed. in Chemistry and has registered his qualification in Thiruvalluvar District Employment Exchange on 16.10.2007. The petitioner belongs to Most Backward Class category. Based on the sponsorship made by

the Employment Exchange, the petitioner was called for certificate verification and he also attended the same.

10.The grievance of the petitioner is that if the fourth respondent was selected under the General Turn Women category and if the fifth respondent was not selected, the petitioner would not have been deprived of the post of B.T.Assistant in Chemistry (Telugu).

11.However, the third respondent has filed counter affidavit stating that out of the 7 candidates selected for the post of B.T.Assistant in Chemistry (Telugu), there was one vacancy in GT (Priority) category and another in MBC (G) category. As no priority candidate was available in GT (Priority) category, one candidate by name M.Chandra Kumari with the date of registration 19.01.1996 was selected. In another vacancy reserved for MBC (G) category, one candidate by name C.Saisailaja with date of registration 01.08.2006 was selected. Since the date of registration of the petitioner was beyond the above said dates, he was not considered for selection. Further, counter made it clear that the fifth respondent Ms.M.Prema with date of registration 18.10.2007, has not been selected and it is also recorded.

12.Hence, this Court is not inclined to grant the relief sought for in this writ petition. Accordingly, the writ petition is dismissed as devoid of merits. No costs. Consequently, the connected miscellaneous petition is closed.

10.12.2020

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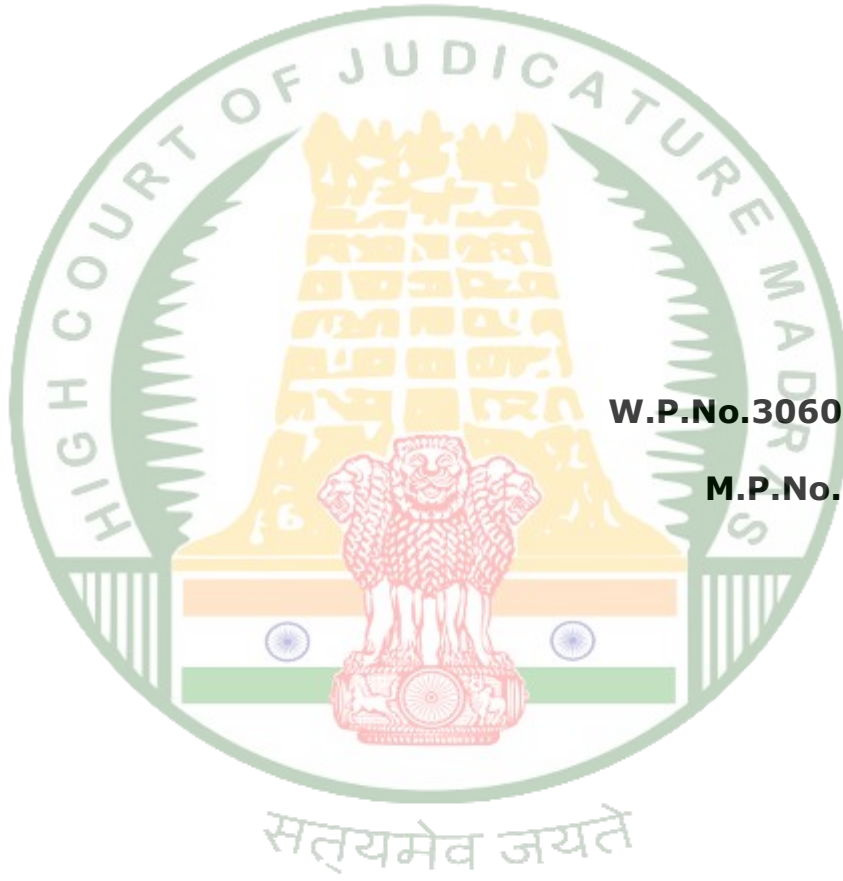
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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