

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30012 of 2014

Dr.M.Mathiyazhagan ... Petitioner

Vs.

1.The Member Secretary

Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road,
Chennai – 600 006.

2.The Director of Collegiate Education,

9th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road,
Chennai – 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to appoint the petitioner under Tamil Medium Quota as Assistant Professor (Botany) and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates
For Respondents : Mr.C.Munusamy for R1
Special Government Pleader
Mr.G.Karthikai Balan for R2
Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to appoint the petitioner under Tamil Medium Quota as Assistant Professor (Botany) and to confer all the consequential benefits.

2.The case of the petitioner is that the petitioner has passed B.Sc.(Botany), M.Sc.(Botany) and Ph.D. He did his schooling and B.Sc. Degree in Tamil Medium. The first respondent called for application for the post of Assistant Professor in Botany along with other discipline on 28.05.2013 and the petitioner applied for the same. The petitioner belongs to Scheduled Caste and since he did his schooling and B.Sc. Degree in Tamil Medium, he claimed preference under Scheduled Caste (Tamil Medium). The petitioner attended certificate verification on 03.12.2013 and also attended the interview on 16.10.2014. The list of selected candidates was published on 03.11.2014, from which, the petitioner came to know that no one has been selected from Tamil Medium and one post reserved for Scheduled Caste (Tamil Medium) was given to other Scheduled Caste (General) candidate. In this regard, the petitioner made representation to the

first respondent and since there was no action, has come forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that as per G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010, persons studied in Tamil Medium means persons who have obtained the educational qualification or qualifications prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State through Tamil Medium of instruction.

4.The learned counsel appearing for the petitioner would further submit that the petitioner did his schooling and B.Sc. Degree in Tamil Medium and would further submit that there is no Medium of instruction in Tamil in PG level in Botany subject in the State. He would further submit that in the absence of any notification or detailed conditions, the respondents cannot deny the bonafide appointment under Tamil Medium category to the petitioner.

5.The learned Special Government Pleader would submit that as

per G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010, persons studied in Tamil Medium means persons who have obtained the educational qualification or qualifications prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State through Tamil Medium of instruction.

6.The learned Special Government Pleader would further submit that in the instant recruitment of Assistant Professors, those candidates who are claiming preference under Tamil Medium should have studied the Post Graduate Degree in the Medium of instruction in Tamil as Post Graduation is the prescribed qualification for the post, but the petitioner has studied his Post Graduate Degree in English Medium. Hence, his candidature was not considered under Tamil Medium Preferential Quota.

7.The learned Special Government Pleader would further submit that one K.Sankar Ganesh had studied Post Graduate Degree in Tamil Medium and he secured 25 marks. Hence, he was selected in the SC(G) T Medium vacancy. He would further submit that while the

selection list was drawn, the cut off mark of the last candidate selected in the SC (G) category has scored 25 marks. The petitioner did not score the eligible marks and the marks scored by him did not reach the selection zone in the SC(G) communal turn. Hence, he was not selected.

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

9. Perusal of G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010, reveal that persons studied in Tamil Medium means persons who have obtained the educational qualification or qualifications prescribed for direct recruitment in the rules or regulations or orders applicable to any appointment in the services under the State through Tamil Medium of instruction.

10. Perusal of records disclose that the petitioner has studied his Post Graduate Degree in English Medium. While the selection list was drawn, the cut off mark of the last candidate selected in the SC (G)

category has scored 25 marks. The petitioner did not score the eligible marks and the marks scored by him did not reach the selection zone in the SC(G) communal turn. One K.Sankar Ganesh had studied Post Graduate Degree in Tamil Medium and he secured 25 marks and he was selected in the SC(G) T Medium vacancy. Hence, the petitioner was not selected.

11.Further, the petitioner without challenging the appointment order given to the one K.Sankar Ganesh, has filed this writ petition seeking Writ of Mandamus directing the first respondent to appoint the petitioner under Tamil Medium Quota as Assistant Professor (Botany) and to confer all the consequential benefits.

12.In view of all the above, this Court is not inclined to grant the relief sought for in this writ petition. The writ petition is accordingly dismissed. No costs.

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14.12.2020

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

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To

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