



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.1991 of 2011

and

M.P(MD) .Nos.1,2 and 3 of 2011

N.Shobha

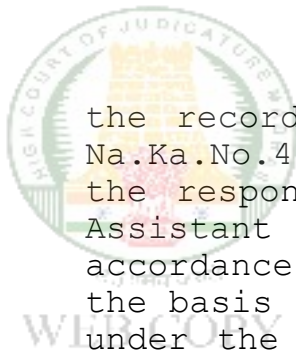
... Petitioner

vs.

- 1.The Government of Tamil Nadu
Represented by its Principal Secretary to the Government
Department of Labour and Employment
Secretariat, Chennai
- 2.The Teachers Recruitment Board
4th Floor, E.V.K. Sampath Maligai, D.P.I.Complex
College Road, Chennai - 6
Represented by its Chairman
- 3.The Commissioner
Department of Employment and Training
Thiru.Vi.Ka. Industrial Estate, Guindy, Chennai - 9
- 4.The Director of Elementary Education
D.P.I.Campus, College Road, Chennai - 6
- 5.The District Employment Officer
52, Ramavarmapuram, Nagercoil 629 001
- 6.The District Elementary Educational Officer
Ramnad, Ramnad District
7. The Assistant Elementary Educational Officer
Thiruvadanai Union, Ramnad District
- 8.The Headmaster
Panchayat Union Middle School
Cholaganpetai, Thiruvadanai Union
Ramnad District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari and Mandamus, to call for



the records relating to the order passed by the 6th respondent in Na.Ka.No.4453/A2/10, dated 11.02.2011 and quash the same and direct the respondents to ensure the petitioner employment as a Graduate Assistant Teacher (English) under the 4th respondent Department in accordance with petitioner seniority in the employment exchange on the basis of the petitioner B.Ed., registration on 29.06.2007 either under the priority (DEX) category or on the alternative under the non priority backward General Category.

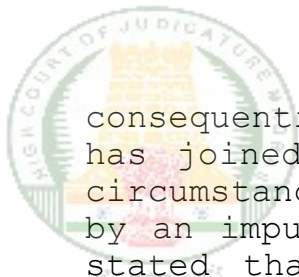
For Petitioner : Mr.N.Dilip Kumar
For R2 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R3 to R8 : Mr.N.Shanmugaselvan
Additional Government Pleader

O R D E R

The Writ petition has been filed to call for the records relating to the order passed by the 6th respondent in Na.Ka.No.4453/A2/10, dated 11.02.2011 and quash the same and direct the respondents to ensure the petitioner's employment as a Graduate Assistant Teacher (English) under the 4th respondent Department in accordance with petitioner seniority in the employment exchange on the basis of the petitioner B.Ed., registration on 29.06.2007 either under the priority (DEX) category or on the alternative under the non priority backward General Category.

2. The learned counsel for the petitioner would submit that the petitioner is a qualified M.A(English), B.Ed., (English) Graduate and she belongs to backward class community. She has registered her qualifications with the fifth respondent employment office on 07.06.2002 and her registration also periodically renewed. The petitioner's father is a retired military man and he served in the Indian Army from 11.02.1972 to 01.03.1996. The first respondent, Government of Tamil Nadu constituted the second respondent, Teachers Recruitment Board with the object of selecting qualified and efficient teachers. The board selects the teachers on the basis of State wise registration seniority in the employment exchange, in which, the petitioner's name was also sponsored. The call letters to the eligible candidates in the ratio of 1:5 requiring them to participate in the certificate verification process. Accordingly, the petitioner was called for certificate verification on 12.05.2010 by letter dated 30.04.2010. During the course of verification, the petitioner has produced the Dependency Certificate issued by the Assistant Director of Ex-Servicemen's Welfare, Kanyakumari at Nagercoil. The petitioner was selected under Backward Class General Priority Category (BGPR) and treating her under the Priority Category of DEX (Dependant on Ex-Servicemen). After selection process, she was appointed as Graduate Assistant Teacher (English) in the 8th respondent School and after



consequential order passed by the seventh respondent, the petitioner has joined in the fifth respondent School on 16.09.2010. In this circumstance, on 14.02.2010, the petitioner's service was cancelled by an impugned order of the sixth respondent, dated 11.02.2011 and stated that the petitioner was not sponsored under the priority category and therefore, her appointment was cancelled. Aggrieved against the said order, the petitioner has come up with the present Writ petition.

3.The learned learned Additional Government Pleader appearing for the respondents 1 and 2 to 8 and the learned Special Government Pleader appearing for the second respondent would submit that the petitioner did not register under DEX (Dependent on Ex-Servicemen) or any other priority and the fifth respondent did not sponsor her name under any of the priority category. Hence, they prayed for dismissal of this Writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader and the learned Additional Government Pleader appearing for the official respondents.

5.Perusal of record shows that no notice was given to the petitioner before cancelling her appointment order which is in violation of the principles of natural justice. All the more, the petitioner had registered her qualifications with the fifth respondent Employment office on 07.06.2002 and she has not registered under the General or any other priority. Though the employment exchange did not sponsor her name in the priority category, during the time of certificate verification, she has produced the dependency certificate. During such verification, the second respondent has shown the petitioner under the Backward Class General Priority Category (BGPR) and treating her name under the priority category of DEX (Dependant on Ex-Servicemen) and has issued the selection order. The impugned order passed only on the reason that the petitioner's name was not sponsored under priority category and she has been sponsored under the general category. Such a view of the respondents cannot be sustained for the simple reason that the second respondent official only after satisfying the certificates produced by the petitioner, considered as priority category. The petitioner's appointment is only on the priority basis. Even if the petitioner would have been considered under general category, ought to have been appointed and also considering under priority category is also not in violation of any statutory rules and regulations or the Government order. She is eligible for treating under priority category. This Court while admitting the Writ petition has granted interim stay and she is continuing to work as Graduate Assistant Teacher till today.

6.For the above reasons, this Court is inclined to interfere with the order passed by the sixth respondent. Accordingly, the impugned order passed by the sixth respondent, dated 11.02.2011 is



set aside and this Writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

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/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Principal Secretary to the Government
Government of Tamil Nadu
Department of Labour and Employment
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- 2.The Teachers Recruitment Board
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Ramnad District.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-1798[F] dated 13/01/2020)

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msa

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