



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.14623 of 2014

WEB COPY

X.Rajavarthini

... Petitioner

-Vs-

1.State of Tamil Nadu,
Secretary to the Government,
Department of Education, Secretariat,
Fort St.George, Chennai -9.

2.The Director,
Tamil Nadu Teachers Recruitment Board,
Fourth Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.

3.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex, College Road,
Chennai 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the publication dated 06.08.2014 by second respondent herein and the consequential provisional list (26.08.2014) as published in Internet of the candidates selected for the post of Secondary Grade Teachers in Department of Elementary Education and consequently direct the respondents to consider the petitioner's candidature under priority category and other suitable orders.

For Petitioner	: Mr.H.Lakshmi Shankar
For Respondents	: Mr.J.Gunaseelan Muthiah Additional Government Pleader (for R1 and R3) No appearance (for R2)

ORDER

The recruitment notification, dated 06.08.2014 issued by the Teachers Recruitment Board for selection and appointment to the post of Secondary Grade Teacher, is under challenge in the present writ petition. The provisional selection list, dated 26.08.2014, is also under challenge in the present writ petition.



2.The grievances of the writ petitioner is that she is the daughter of the Ex-servicemen and the quota provided for the Ex-servicemen is to be extended to the writ petitioner also.

3.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is fully qualified for appointment to the post of Secondary Grade Teachers and she has participated in the process of selection. However, she was not selected. But, if the benefit of Ex-servicemen quota is extended, then, there is a chance of selection as far as the petitioner is concerned.

4.This Court is of the considered opinion that the notification, dated 06.08.2014, is binding all the candidates, who participated in the process of selection. As per the notification, it is clearly stated that "*Candidates who claim reservation under the Ex-Servicemen Quota should submit necessary certificate in support of their claim. Candidates who have served in the Armed forces alone are eligible to claim under the Ex-Servicemen Quota. (The candidate himself should be Ex-servicemen)*". When the notification stipulates that the candidates himself should be the Ex-servicemen, then, the Ex-servicemen quota cannot be extended to the legal heirs of the Ex-servicemen. Such a claim is beyond the scope of the terms and conditions stipulated in the recruitment notification. The writ petitioner was aware of the condition himself in the notification and participated in the selection. Once a candidate participated in the selection accepting the terms and conditions published in the recruitment notification, they cannot complain regarding non-selection and such claims cannot be entertained by this Court, unless any such conditions are unconditional or otherwise. In the present case, the conditions stipulated in the recruitment notification clearly states that the Ex-servicemen himself must be the candidate. This being the factum, the petitioner who is the daughter of the Ex-servicemen, is not eligible for selection as per the recruitment notification, dated 06.08.2014. Thus, the relief as such sought for in the present writ petition cannot be granted and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To
1.Secretary to the Government,
State of Tamil Nadu,
Department of Education, Secretariat,
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2.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Complex, College Road,
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3.The Director,
Tamil Nadu Teachers Recruitment Board,
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+1 CC to M/s.GP (SR-22625[F] dated 24/11/2020)

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-22706[F] dated 24/11/2020)

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