



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.7231 of 2010

P.Prabu

... Petitioner

Vs.

1. The Secretary to Government,
Adidravida & Tribal Welfare Department,
Secretariat, Chennai-9.
2. The Secretary, Backward Classes,
Most Backward Classes and Minorities
Welfare Department, Secretariat,
Chennai-9.
3. The District Backward Classes,
Most Backward Classes and Minorities
Welfare Officer, Cuddalore, Cuddalore District.
4. The District Employment Officer,
Employment Officer Cuddalore,
Cuddalore District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari Mandamus to call for the records pertaining to the G.O.(Ms.) No.50 Adi Dravidar and Tribal Welfare (TD2) Department dated 29.04.2009 of the first respondent and quash the same and consequently, as per the call letter No.Na.Ka.J-3/56459/06 District Backward and Minority Welfare office dated 21.10.2009 direct the respondents to declare the result and appoint the petitioner for the post of Warden for the Government Backward and Most Backward College Hostel, as per the interview held on 23.12.2009 and pass orders.

For petitioner : Mr.U.Karunakaran

For respondents : Mr.T.Arunkumar
Addl. Govt. Pleader for R1 to R4



ORDER

This writ petition has been filed to quash the G.O.(Ms.) No.50 Adi Dravidar and Tribal Welfare (TD2) Department dated 29.04.2009 issued by the first respondent and consequently, as per the call letter No.Na.Ka.J-3/56459/06 District Backward and Minority Welfare office dated 21.10.2009, direct the respondents to declare the result and appoint the petitioner for the post of Warden for the Government Backward and Most Backward College Hostel, as per the interview held on 23.12.2009.

2. The case of the petitioner in brief:

The petitioner belongs to Hindu Adi Diravida Scheduled Caste (Arundadiar) Community. The third respondent had called for application to fill up the post of Warden for Government Backward and Most Backward College Hostel at the ratio of 1:5 to the second respondent. Out of 12 posts, as per the communal rotation, two posts are earmarked for Scheduled Caste. Out of two posts, one post is earmarked for Arundathiar, which is also listed as scheduled caste, as a special reservation for Scheduled Caste reservation vide G.O.Ms.No.50 Adi Dravidar and Tribal Welfare (TD2) Department dated 29.04.2009.

2.1. The petitioner has attended the interview on 23.12.2009 and on that day, it was informed that out of two posts earmarked for Scheduled Caste, one post will be given to the priority candidates i.e. for physically challenged person, Destitute Widow, Intercaste marriage candidates etc. At the time of scrutiny of certificates, the petitioner came to know that he is most educationally qualified person and senior most among the persons participated in the certificate verification. He is also eligible on the priority basis since he is also possessed intercaste marriage certificate. But, it was informed that, his candidature cannot be considered for the reason that he has obtained B.Ed. degree in IGNOU university. However, thereafter, the second respondent forwarded the name of the petitioner in the list of eligible persons with a note that the validity of the petitioner's B.Ed Decree has to be looked into. Despite the petitioner is the most eligible persons to the post earmarked for Arundadiyar Caste of Scheduled Caste, he was not given appointment. Hence this writ petition.

3. The contentions of the counter affidavit filed by the third respondent in brief:

Interview was conducted on 23.12.2009. The District Employment officer, Cuddalore has sponsored 10 eligible



candidates for the post of two B.T. Wardens under SC-1 and SC Arunthathiyar-1 rotation, since there was no Arunthathiyar Community Candidates available in the registration. The petitioner name has been sponsored by the District Employment Officer, Cuddalore under Schedule Caste priority, since he has possessed inter caste marriage certificate. Neither the members of the selection committee nor the certificate verification officer have informed to the applicant about his B.Ed. degree issued by IGNOU was invalid. He is an eligible candidate for the above post in so far as B.Ed. degree is concerned.

3.1. Out of 10 candidates sponsored by the Employment Officer, 4 candidates attended the interview under SC (P) and 4 candidates under SC (PA). Among the 4 candidates under SC(A), the petitioner secured 14 marks out of 50, came as second. Whereas, one A.Azhaguraja of Tittagudi secured 22 marks and came as first under SC(A). Hence, appointment order was issued to him, as per the proceedings of District Backward Classes and Minorities Welfare Office, Cuddalore dated 05.08.2010. Hence, the petitioner's request cannot be entertained and the writ petition is liable to be dismissed.

4. Heard the rival submissions made by the learned counsel appearing for both sides and I have perused the materials on record.

5. From the counter affidavit, it is clear that among the four candidates under Scheduled Caste (Arunthathiyar), the petitioner has secured 14 marks, came as second and one Azhaguraja has secured 22 marks came as first. Therefore, the contention of the petitioner that he was the most educationally qualified and senior most person among the participated persons, cannot be accepted. Further, the another contention of the petitioner that his candidature was not considered, since he obtained degree from IGNO University, also cannot be accepted. Because, in the counter affidavit, the respondents have clearly stated that they have accepted the petitioner's B.Ed. degree issued by the IGNO University, recognized by the Government of Tamil Nadu and the selection is being made according to the seniority and the interview mark issued by the Selection Committee. Therefore, by following all the rules and regulations, the third respondent had conducted the interview and had completed the selection process and had selected one A.Azhaguraja, who secured highest mark among the four candidates under SC(A). Inview of the above, this court is of the view that the relief sought for by the petitioner cannot be entertained, as it has no merits.



WEB COPY

costs.

6. Accordingly, the writ petition is dismissed. No

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary to Government,
Adidravida & Tribal Welfare Department,
Secretariat, Chennai-9.
2. The Secretary, Backward Classes,
Most Backward Classes and Minorities
Welfare Department, Secretariat,
Chennai-9.
3. The District Backward Classes,
Most Backward Classes and Minorities
Welfare Officer, Cuddalore, Cuddalore District.
4. The District Employment Officer,
Employment Officer Cuddalore,
Cuddalore District.

+lcc to the Government Pleader SR.No.64349

W.P.No.7231 of 2010

CP(CO)
GN(27/12/2021)