

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.26629 of 2017 &
W.M.P.No.28352 of 2017

1. C.Sivanesan
 2. S.Jayabal
 3. V.Prasanna Moorthy
 4. S.Senthilkumar
 5. P.Madasamy
- Petitioners

Vs.

1. State of Tamil Nadu rep. by its
Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.
 2. The Commissioner of Technical Education,
Chennai - 600 025.
 3. The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.
 4. J.S.Christy Mano Raj
 5. C.Subramanian
 6. G.Sarvanan
 7. S.Murugavel
 8. Sujatha Balaraman
 9. R.Rajeswari
 10. Dr.P.Subha Kanivelam
- ... Respondents
- (R4 to R9 impleaded as per the order of this
Court dated 14.02.2020 in WMP No.12555/2018
WP No.26629/2017)
(R10 impleaded as per the order of this
Court dated 14.02.2020 in WMP.No.4050/2020
in WP No.26629/2017 by DKKJ)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Order passed by the 1st respondent in Government Letter No.12868/1 1/2006-26, High Education (1 1) Department, dated 16.08.2017, in so far as the petitioner herein and quash the same and direct the respondents to retain the

seniority list fixed in letter No.8150/A2/2006 dated 14.06.2011 passed by the second respondent and confer all the consequential benefits.

For Petitioner : Mr.C.Selvaraj, Sr.C.
For Mr.P.Ganesan

For Respondents : Mr.S.Karthikai Balan - R1 & R2
Government Advocate
Mr.C.Munusamy
Special Government Pleader - R3

ORDER

This writ petition has been filed to quash the Government Letter No.12868/1 1/2006-26, Higher Education (I 1) Department, dated 16.08.2017, insofar as the petitioners are concerned and direct the respondents to retain the seniority list fixed by the second respondent in Letter No.8150/A2/2006 dated 14.06.2011 and confer all the consequential benefits.

2. According to the learned counsel for the petitioners, the petitioners were directly recruited under special recruitment meant for SC/ST vacancies, which were notified by the Teachers Recruitment Board for filling up shortfall vacancies. It is the case of the petitioners that as per Rule 22, the Teachers Recruitment Board has to first conduct selection for the shortfall vacancies/backlog vacancies and thereafter, fill up the remaining vacancies by recruitment. To avoid unnecessary delay, they conducted combined examination for both the categories, however published results separately and forwarded the list of candidates to the Government. On the basis of the same, the Government issued appointment orders first to the special recruitment candidates in G.O.Ms.No.220, Higher Education Department, Dated 10.07.2001 and G.O.Ms.No.221, Higher Education Department, Dated 10.07.2001 for general candidates. Consequently, they instructed to draw seniority list placing the candidates selected under backlog/shortfall vacancies first and thereafter the regular vacancies candidates. Pursuant to the same, the second respondent published the seniority list on 14.06.2011, which was challenged in WP.No.32349 of 2012, which is pending before this Court. Now, the Government issued orders to recast the seniority list by placing the general selection candidates over and above the shortfall / backlog vacancies, by communication dated 16.08.2017. Aggrieved over the same, the petitioners are before this Court with the present writ petition.

3. On the other hand, the learned Government Advocate appearing for the respondents 1 and 2 submitted that the order under challenge is nothing but an internal communication between the departments; and the respondents would provide reasonable

opportunity to all the parties before taking final decision.

4. In view of the aforesaid submissions made by the learned Government Advocate appearing for the respondents 1 and 2, this Court, instead of setting aside the communication of the first respondent dated 16.08.2017, which is impugned herein, is inclined to treat it as a show cause notice, to which, the petitioners shall file their objections within a period of two weeks from the date of receipt of a copy of this order. On filing such objections, the first respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

vrc

To

1. Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Technical Education,
Chennai - 600 025.
3. The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.

+1cc to M/s.C.S.Associates, Advocate SR.No.12080

+1cc to Mr.S.Senthil, Advocate SR.No.12059

+1cc to Mr.M.Velmurugan, Advocate SR.No.12413

W.P.No.26629 of 2017

SS(CO)
GMY(08/07/2021)