



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No. 14302 of 2018

and

W.M.P. (MD) No.12960 of 2018

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Tmt. C. Santhi

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its
Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 9.

2. The Director of School Education,
College Road,
Chennai - 6.

3. The Chief Educational Officer,
Tuticorin District,
Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the respondents to consider the petitioner's name for appointment to the post of Lab Assistant in Government High/Higher Secondary School, Tuticorin District by considering the petitioner's qualification and the marks secured in the Screening Test for Lab Assistant and pass orders.

For Petitioner : Mr. M. Saravanakumar

For Respondents : Mr. V. Om Prakash,
Government Advocate

ORDER

The respondents, by a Notification dated 22.04.2014 had called for applications to fill vacancies for the post of Lab Assistant in Tamil Nadu High/Higher Secondary School. The petitioner had duly applied for the same and secured 112 marks out of 150 marks in the entrance examination. She thus seeks a mandamus directing the respondents to consider her name for appointment to the post of Lab Assistant by considering her



qualifications and the marks secured in the entrance test.

2. A detailed counter has been filed by the Chief Educational Officer/R3, wherein at paragraph 4, the methodology for selection as set out in an order passed by this court in a batch of writ petitions in W.P.(MD) No. 15440 of 2015 and batch, has been enumerated. It is relevant to extract paragraphs 4 to 7 for further clarity in the procedure to be followed for recruitment:

"4. It is submitted that the following norms were prescribed in G.O.Ms.No.42 School Educations (SE4(2) Department dated 06.03.2017 as per the directions from this Hon'ble Court, Madras issued in the interim orders in W.Ps. 15440 of 2015 and 15394 to 15396 of 2015.

I Written Test	150 Marks	
II a. Employment seniority		
1 to 2 years	2	
2 to 4	4	
4 to 6	6	
6 to 8	8	
10 and above	10	10
b. Additional qualifications		
Higher Secondary Pass	2	
Degree	3	5
c. Previous experience as		
Lab assistants	2	2
Total		167

It was specified that the employment seniority, Higher qualifications and previous experience as Lab Assistant as on 06.05.2015 will alone be taken. The experience in Lab Assistants posts will be in the post of recognized schools and colleges with the counter signature of competent authorities.

The merit list will be prepared on the basis of total marks in the Written Test, Weightage marks for employment seniority, Higher qualification and experience and selection will be made according the communal reservation, Priority Non priority and other recruitment rules.

5. It is submitted that the communal reservation has been specified in G.O.Ms.No.142 Personnel and administrative Reforms (K) Department dated 14-10-2009. The order of Priority has been specified in G.O.Ms.No.188 Personnel and Administrative Reforms (Personnel-Department dated 28-12-1976. Further, the



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reservation for Tamil Medium students as per G.O.Ms.No.145 Personnel and Administrative reforms department dated 30.09.2010 and reservation for Women as per G.O.Ms.No. 89 Personnel and Administrative reforms department dated 17.02.1989 and reservation for Ex service men as per G.O.Ms.No. 616 Personnel and Administrative Reforms department dated 06.07.1987.

6. It is submitted that out of the 68 vacancies, appointments were made against 66 vacancies. For the 66 vacancies the break up figures as per communal reservation Priority and non priority are as follows:

Priority		
1. General Turn	4	
2. S.T.	1	
3. S.C.	2	
4. B.C.	4	
5. BC (M)	1	
6. M.B.C	3	
Total Priority		15
Non Priority		
1. General Turn	7	
2. General Turn (W)	5	
3. General Turn Physically Handicapped	1	
4. General Turn Ex service	1	
5. General Turn D.W.	1	15
6. S.C. (A)	3	3
7. S.C. (W)	2	
8. S.C.	6	8
9. S.T.	Nil	
10. B.C. Others (Ex service men)	1	
11. B.C. Others (DW)	1	
12. B.C. Others (W)	3	
13. B.C. Others General	9	14
14. M.B.C. (W)	2	
15. M.B.C.D.W	1	
16. M.B.C. Ex servicemen	1	
17. M.B.C.	7	11
Total Non Priority		51
Total Priority and Non Priority		66.

7. It is submitted that the petitioner belongs to Backward Community non Priority. The marks obtained by her is 127 as detailed below as per her own statement.



Edl. Qualification	5
Emp. Exchange Seniority	10
Total	127.

It is pertinent to submit that no marks for previous experience was given as the petitioner did not work a Lab Assistant. Therefore the petitioner comes under the category of General Turn and Backward Community Non Priority. The total vacancies earmarked as per reservation rules is General Turn 12 as detailed above in Sl. No. 1 and 2 and under Backward Community is 12 as per Sl. No.12 and 13 under Non priority category. For the 12 vacancies the persons with marks upto 128 have been selected.

It is submitted that based on the total marks the candidates were ranked in the descending order from the highest marks in accordance with communal and other reservation rules in vogue.

For General Turn the holders marks upto 135 have been selected as per the rank list. The last person with marks 135 was selected under this category for the Backward Community non Priority category to which the petitioner belongs the mark holders upto 128 have been selected as per the rank list. The last person selected in this category obtained 128 marks. The petitioner has obtained only 127 marks and hence there was no possibility for her selection. In the vacancies of General Turn the last person selected obtained 135 marks and hence her turn did not reach. In the Backward Community category (Non Priority) the last selection was made on 128 marks and the petitioner obtained only 127 marks and hence her turn did not reach and could not be provided. The total marks obtained by the petitioner is below the marks of the selected persons in the category to which she belongs. Without understanding the actual position, the petitioner is misleading this Hon'ble Court by her unworthy pleadings."

3. The petitioner, who belongs to the Backward Community (Non Priority, had been awarded 112 marks as per the test, full 5 marks out of five in regard to educational qualification and full 10 marks out of 10 when it comes to employment exchange seniority. However, she was not awarded the two marks provided for previous



experience as admittedly she had not served as a Lab Assistant earlier. She thus, misses out on the selection by just one mark as her total was 127 as against 128 secured by the candidate above her who was the last person selected in that category.

4. In light of the aforesaid, the mandamus as sought for by the petitioner cannot be granted and this writ petition is dismissed. No costs. Consequently, miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

1. The State of Tamil Nadu
Represented by its
Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
College Road,
Chennai - 6.
3. The Chief Educational Officer,
Tuticorin District,
Tuticorin.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-36358[F] dated 29/11/2021)

+1 CC to M/s.SPL GP (SR-36033[F] dated 26/11/2021)

W.P. (MD) No. 14302 of 2018

25.11.2021

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