



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7612 of 2017

and

W.M.P.(MD).Nos.9142 and 5938 of 2017

K.Ramesh

.. Petitioner

Vs

1.The Director of School Education,
D.P.I. Complex,College Road,
Nungambakkam,Chennai.

2.The Chief Educational Officer,
Nilgiris,
Nilgriris District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioner to the post of Lab Assistant based on the petitioner's written examination marks as well as weightage marks under the Scheduled Castes quota with all monetary benefits, the notification for the Lab Assistant dated 22.04.2015.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the respondents to appoint the petitioner to the post of Lab Assistant based on the petitioner's written examination marks as well as weightage marks under the Scheduled Castes quota with all monetary benefits, the notification for the Lab Assistant dated 22.04.2015.

2. The case of the petitioner is that the petitioner has acquired the required educational qualifications and registered the same in the District Employment Office, Ooty. While so, the first respondent issued a notification dated 22.04.2015, calling for applications from the eligible candidates for the post of Laboratory Assistant throughout Tamil Nadu for 4362 vacancies and out of the said vacancies, 81 vacancies were available in Nilgiris District. The petitioner had participated in the examination and



secured totally 76 marks and also called for certificate verification. Thereafter, the petitioner was not selected for the said post. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the respondents have not followed the Rules of reservation and denied the appointment of the petitioner to the above said post is unsustainable in law. Hence, he prays for allowing this writ petition.

4. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that in the written examination as well as in the certificate verification, the petitioner secured totally 76 marks, whereas the selected candidate, namely, Kanjana, secured 98 marks. Hence, the candidature of the petitioner is rejected. If at all the petitioner is aggrieved, the petitioner has to challenge the appointment of the respective candidates, but without challenging the same, filing of this writ petition is not sustainable in law.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case, it is clear that the grievance of the petitioner, after filing the counter, is that the selected candidate Kanjana ought to have selected under the Scheduled Caste Arunthathiyar category instead of Scheduled Castes preferential basis. Though the petitioner expressed his grievance, the said Kanjana was appointed in his place, however, without challenging the said appointment order, the present writ petition is filed with the above said prayer is not maintainable. Hence, the prayer sought for in this writ petition cannot be granted.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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 Director of School Education,
D.P.I. Complex, College Road,
Nungambakkam, Chennai.

2.The Chief Educational Officer,
Nilgiris, Nilgiris District.

+1 CC to SPL GP (SR-11602[F] dated 16/03/2021)

**W.P. (MD) .No.7612 of 2017
15.03.2021**

KM (17.05.2021) 3P 4C