



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P(MD).No.8449 of 2017

and

W.M.P. (MD).No.6479 of 2017

A.Basheer Ahmed

.. Petitioner

Vs.

1.The Director of School Educaiton,
Department of Public Instruction,
College Road, Nungambakkam,
Chennai-600 034.

2.The Chief Educational Officer,
Department of School Education,
Tanjore, Taluk & District.

3.The Assistant Director,
The District Employment Office,
Tanjore.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to select the petitioner as a Lab Assistant under the minority Muslim Community, also a person with disability (PWD) category in the selection process.

For Petitioner : Mr.R.V.Rajkumar

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

ORDER

This writ petition has been filed for a direction to the respondents 1 and 2 to select the petitioner as a Lab Assistant under the minority Muslim Community, also a person with disability (PWD) category in the selection process.



2.The case of the petitioner is that the petitioner is a differently-abled person belonged to Muslim minority community. He has completed the Diploma Course in Civil Engineering and registered with the 3rd respondent Employment Exchange under priority category and also registered with the Ministry of Social Justice & Empowerment, Government of India under disability category. He applied to the post of Lab Assistant as called for by the 2nd respondent and he was called for screening test on 31.05.2015 and was placed at No.616 and thereafter 164 persons were short-listed including reservation for Muslims. Though 3 posts are kept vacant, the petitioner was not selected for the said post and hence the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would submit that the petitioner had participated in the selection process for the post of Lab Assistant under priority category of backward class Muslim. He would further submit that the candidate, who acquired lesser mark than the petitioner has selected to the said post. Hence, the petitioner may be considered for one post in the above said 3 vacant posts. He would further submit that this Court may issue a direction to the respondents in this regard.

4. The learned Additional Government Pleader appearing for the respondents filed counter stating that it appears there are 167 vacancies out of which 6 vacancies were allotted to BCM category and 6 persons were given appointment under BCM category and the candidate, who was selected for the said post under BCM category has secured 94 marks in the written examination and the petitioner has secured 67 marks only. Hence, the petitioner is not eligible for selection.

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, though the petitioner comes under BCM category, the marks scored by the petitioner in the written examination is lower than the selected candidates. Further, in the counter affidavit, it is stated that in the category of differently-abled persons, 5 posts have been air marked and in that category also 2 persons, who scored 119 and 116 have been selected and other 3 posts are kept in reserve, even in the said reserve category of physically handicapped, several persons, who have secured more marks than the petitioner, are waiting for their turn. Hence, the prayer sought for in this writ petition cannot be entertained.



7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/-

Assistant Registrar (W)

// 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.

PJL

To

1.The Director of School Educaiton,
Department of Public Instruction,
College Road, Nungambakkam,
Chennai-600 034.

2.The Chief Educational Officer,
Department of School Education,
Tanjore, Taluk & District.

3.The Assistant Director,
The District Employment Office,
Tanjore.

+1 CC to M/s.R.V.RAJKUMAR, Advocate (SR-12104[F] dated 18/03/2021)

+1 CC to M/s.SPL GP (SR-12114[F] dated 18/03/2021)

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GS (17.05.2021) 3P 6C