



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.11777 of 2017

and W.M.P. (MD)No.9071 of 2017

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P.Venkateshwaran

... Petitioner

Vs.

1.The Director of School Education,
DPI Complex, College Road,
Nungambakkam, Chennai-600 006.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to call for the name of the petitioner for certificate verification under the priority category (Orphan) and appoint him in the existing vacancy.

For Petitioner	:	Mr.K.C.Ramalingam
For Respondents	:	Mrs.S.Srimathy Special Government Pleader

ORDER

The Writ Petition is filed seeking for issuance of a writ of Mandamus, to direct the respondents to call for the name of the petitioner for certificate verification under the priority category (Orphan) and appoint him in the existing vacancy.

2. The case of the petitioner is that the petitioner belongs to Most Backward Class community and he also obtained certificate under the category of Orphan from the Sub-Collector, since he lost his both parents in the childhood and the petitioner registered the same in the office of the District Employment Office, Theni District under the priority category. While so, the first respondent has issued a notification to fill up the post of Lab Assistant on 22.04.2015. The petitioner submitted his application along with required certificate as per the notification through Government examinations service centre situated in the office of the second respondent. As per the notification for the post of Lab Assistant, Theni District was allotted 65 vacancies and out of 65 vacancies, 20 vacancies reserved under the category of unreserved, 17 vacancies allotted to backward class, 13 vacancies for Most Backward Class Community and 10 vacancies reserved for Schedule Caste Community. The petitioner has come under the category of Most



Backward Class community and he also applied under priority category. Further, the persons who secured mark below than the petitioner were called for certificate verification, however, the petitioner was not called for and hence, he filed the present writ petition seeking the above said relief.

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3. Learned Counsel appearing for the petitioner would submit that though no notification was available to prove that orphan category has come under the category of priority category, the petitioner has also come under the category of tamil medium and the non-consideration of the petitioner's candidature to the post of Lab Assistant is *non-est* in law and hence, he would pray for appropriate orders.

4. Learned Special Government Pleader appearing for the respondents would submit that the petitioner applied for the said post of Lab Assistant under Most Backward Class general category and the cut off marks for the MBC general category was 99, however, the petitioner secured only 49 marks and since the petitioner did not secure the cut off marks, his candidature was not considered and hence, the learned Special Government Pleader would pray for dismissal of the writ petition.

5. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

6. Admittedly, the first respondent has issued a notification to fill up the post of Lab Assistant on 22.04.2015 and the petitioner submitted his application to the same under the Most Backward Class general category. When the petitioner submitted his application under the Most Backward Class general category, he could not claim to consider his application in another category. Further, the petitioner secured only 49 marks in the written examination, however the cut off marks for the MBC general category was 99 and therefore, the petitioner's candidature was not considered by the respondents. Further, the petitioner has also not challenged the selection process.

7. For the reasons aforesaid, this Writ Petition *sans* merit and, accordingly, the same is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

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 Director of School Education,
DPI Complex, College Road,
Nungambakkam,
Chennai-600 006.
- 2.The Chief Educational Officer,
Theni District,
Theni.

W.P (MD) No.11777 of 2017
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SSS (CO)
TR(08.04.2021) 3P 3C