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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.02.2022

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 5038 of 2021
and WMP.No. 5622 of 2021

1.E.Babu
2.M. Mohammed Shakul
3.B.Shabeer
4.M.Shabana

..Petitioners

Vs

The Teachers Recruitment Board,
rep. By its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to issue an addendum to the Advertisement No.01/2021 dated 11.02.2021 and add the 411 backlog vacancies in BC and BCM categories also to the 2098 vacancies notified in the Advertisement No. 01/2021 dated 11.02.2021 which backlog vacancies arose in the course of selection of 1663 post of Post Graduate Assistants by direct recruitment under Advertisement No. 03/2017 dated 9.5.2017.

For Petitioner : Mrs. Nalini Chidambaram, Senior Counsel.
for Ms.C.Uma

For Respondent : Mr. C.Kathiravan, Spl.GP

O R D E R

The prayer sought for in the present writ petition is to direct the respondent to issue an addendum to the Advertisement No.01/2021 dated 11.02.2021 and add the 411 backlog vacancies in BC and BCM categories also to the 2098 vacancies notified in the Advertisement No. 01/2021 dated 11.02.2021 which backlog vacancies arose in the course of selection of 1663 post of Post Graduate Assistants by direct recruitment under Advertisement No. 03/2017 dated 9.5.2017.



2. The learned senior counsel appearing or the petitioner would submit that the respondent has filed counter affidavit stating that as per proviso to Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the selection for appointment by direct recruitment, with effect on and from the 1st April 1989, there shall be a ban on de-reservation of vacancies reserved for the candidates belonging to any of the Scheduled Castes and Scheduled Tribes, Most Backward Classes and De-notified Communities to be appointed by direct recruitment. But, the above ban on de-reservation of vacancies shall not be applicable to the vacancies reserved for the Backward Classes (other than Most Backward Classes and Denotified Communities), Backward Class Muslims and, therefore, if qualified and suitable candidates belonging to any of the Backward Classes (other than Most Backward Classes and Denotified Communities), Backward Class Muslims are not available for appointment, the turn so allotted to them shall lapse and the vacancy shall be filled by the next turn in the order of rotation.

3. Since the respondent has relied upon the aforesaid provision of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 in the counter affidavit, the learned senior counsel seeks permission of this Court to withdraw the writ petition with a liberty to file fresh writ petition, challenging the aforesaid provisions.

4. In view of the above, the writ petition is dismissed as with drawn with the above liberty. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai.



+1cc to Mr.C.Kathiravan, Advocate SR.No.7998

+1cc to Ms.C.Uma, Advocate SR.No.8113

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CA (CO)
GMY (09/03/2022)