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W.P.No.23461 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23461 of 2018
and W.M.P.No.19248 of 2019

P.Kesavi

...Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
P & AR Department,
Secretariat,
Chennai – 600 009.

2.The Principal Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai – 600 009.

3.The Director of School Education,
Chennai – 600 006.

4.The Chief Educational Officer,
Krishnagiri District,
Krishnagiri – 635 001

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent herein to issue order of



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appointment to the petitioner as Lab Assistant in any of the Government Schools within the jurisdiction of the 3rd respondent pursuant to the Notification in Na.Ka.No.11642/Aa1/Dt.22.05.2015 by disposing of petitioner's representation dt.17.7.2017 submitted to the 3rd respondent by R.P.A.D within a stipulated period of time as prescribed by this Court.

For Petitioner : Mr.T.R.Raja Gajendran

For Respondents : Mrs.Mythreye Chandru
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent herein to issue order of appointment to the petitioner as Lab Assistant in any of the Government Schools within the jurisdiction of the 3rd respondent pursuant to the Notification in Na.Ka.No.11642/Aa1/Dt.22.05.2015 by disposing of petitioner's representation dt.17.7.2017 submitted to the 3rd respondent by R.P.A.D within a stipulated time.

2.The petitioner states that she participated in the process of selection for appointment to the post of Lab Assistant in any Government School. 17,000 persons participated in the process of selection. The petitioner states that she is scored 80



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marks out of 150 and placed in Serial No.839 in the ranking list. The petitioner was in the 6th rank amongst the 20 persons in the Ex-servicemen priority in the ratio of 5:1. On 9th, 10th and 11th of March 2017 selected candidates were called for Certificate Verification. However, the petitioner had not received any call letter for Certificate Verification and thus, she was constrained to move the present writ petition.

3.The petitioner states that she is entitled for priority and as per G.O.Ms.No.1161, P & AR Department, dated 22.11.1984, the benefits has already been extended to the (i) Ex-serviceman, if he has not availed any priority (ii) wife, son and unmarried daughter of serving Military personnel and (iii) one son or one daughter or his wife or one dependent or widow of Ex-serviceman. The petitioner states that she is eligible for recruitment under the priority category and her case was not considered without any valid reasons.

4.The learned Special Government Pleader appearing on behalf of the respondents made a submission that the petitioner was not within the zone of consideration and therefore, she was not called for Certificate Verification. That



apart, the petitioner was a married daughter of the Ex-serviceman and married daughters are not eligible, since they are not dependants of the ex-serviceman. Since the petitioner was not eligible and further, not within the zone of consideration, she was not considered. The respondents in this regard stated the fact in Paragraph No.9 in the counter affidavit, which reads as under:

As per the said Government order, the orders of priorities have been followed in the recruitment. Only after exhausting one priority category, next priority category shall be considered for selection. As such, those candidates whose names were found in the priority category in DW and ICM Priority have been considered in order according to the number of candidates available in the above category till the list of last candidate has been exhausted in that priority. As such the DW and ICM priority category were selected in the order of priority in the category of dependent Ex-Servicemen category (DEX) comes only next to ICM category. Petitioner Kesavi was among the candidates sponsored by the Employment Exchange for the post of Lab assistant. under GT-DEX priority category, But the selection did not reached upto DEX priority category, petitioner was not called for Certificate Verification. Therefore the rules of procedure followed in the priority category is in order and is in accordance with law.



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5.In view of the fact that the petitioner was not within the zone of consideration, the relief as such sought for to issue a direction to appoint the petitioner as Lab Assistant deserves no further consideration.

6.Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

21.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes / No
ssr

To

- 1.The Secretary to Government of Tamil Nadu,
P & AR Department,
Secretariat,
Chennai – 600 009.
- 2.The Principal Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,



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S.M.SUBRAMANIAM, J.

SSR

3.The Director of School Education,
Chennai – 600 006.

4.The Chief Educational Officer,
Krishnagiri District,
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