



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.4303 OF 2014

AND

M.P.NO.1 OF 2014

K.Imanraj

... Petitioner

vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 9.
2. The Chairman,
The Teachers Recruitments Board,
4th Floor, EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai - 6.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to accord priority for eligible person as per the Government Order relating to upliftment of persons under the ex-servicemen category in recruitment to the post of Secondary Grade Teacher.

For Petitioner : Ms.Mitraneshaa for
Mr.V.Raghavachari.

For Respondent-1 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader.

For Respondent-2 : Mr.C.Kathiravan,
Special Government Pleader.



O R D E R

The relief sought for in the present writ petition is to direct the respondents to accord priority for eligible person as per the Government Order relating to upliftment of persons under the Ex-Servicemen category in recruitment to the post of Secondary Grade Teacher.

2. The grievance of the petitioner is that he is eligible to be appointed in a Teaching post in the Education Department. His father was an Ex-Serviceman and therefore, the petitioner claims that he is entitled to accord under the Ex-Servicemen and their families. In other words, the petitioner claims priority under the Ex-Servicemen Quota for appointment to the Teaching post in Education Department.

3. In the Recruitment Notification, the respondents have clearly stated that Ex-Servicemen alone are eligible to avail the priority quota and the kith and kin of the Ex-Servicemen are not eligible for any such benefits. In this regard, paragraph-7 of the counter-affidavit filed by the second respondent is relevant and it reads as under:-

"7. I submit that the Teachers Recruitment Board vide Advertisement No.5/2014 dated 06.08.2014 issued notification for recruitment of Secondary Grade Teacher from the eligible candidates of TET 2012 and TET 2013.

It is submitted that since the petitioner has not secured eligible marks for selection under general category he was not selected. It is submitted that the petitioner claims to consider him under dependent of Ex-Serviceman as existing rules the reservation in respect of Ex-Servicemen is contemplated under Rule 22(ab) of the Tamil Nadu State and Subordinate Service Rules which is extracted hereunder:

"Rule 22(ab) out of the total number of appointments reserved in the categories referred to in clause (a) in the case of appointment made by direct recruitment to Group C posts, five percent in each such category shall be reserved for Ex-Servicemen and subject to availability of such candidates, the appointment shall be made in turn and in the order of rotation as specified in SCHEDULE - III B to this part.



WEB COPY

Provided that if no qualified and suitable Ex-serviceman belonging to a particular category is available for selection for appointment against the reserved turn, such turn shall be filled up by a candidate other than an Exserviceman but belonging to the particular category and if no such candidates is available even in that category for selection for appointment against the reserved turn, such turn shall be carried forward as provided in clause (d)."

According to the said rule, in the case of appointment made by direct recruitment to Group - C posts, five percent in each such category shall be reserved for Ex-Servicemen. There is no mention about any one of the legal heirs or the dependants viz., Wife, Son and Daughter of the Ex-Servicemen as to be eligible for such appointment in Ex-Servicemen category. As such, the averment of the petitioner to consider her under Ex-Servicemen dependant category is not maintainable either on facts or in accordance with law."

4. The priority is to be granted strictly in accordance with the rules and as per the terms and conditions of the Recruitment Notification issued by the Competent Authority. As per the Recruitment Notification, the priority is provided only to the Ex-Servicemen and not to the family members of the Ex-Servicemen. The said Notification was issued thus in accordance with the Rules in force and there is no infirmity. The very claim set out by the petitioner claiming Ex-Servicemen Quota, cannot be granted, as the petitioner is not the Ex-Serviceman, but the son of Ex-Serviceman.

5. Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 9.

2. The Chairman,
The Teachers Recruitments Board,
4th Floor, EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai - 6.

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.32507

+1cc to Mr.C.Kathiravan, Advocate, S.R.No.32993

W.P.No.4303 of 2014

RR(CO)
RLP(16/06/2022)