



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.4304 OF 2014

AND

M.P.NO.1 OF 2014

H.Varun Kumar

... 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-serviceman 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-serviceman 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.



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.C.Kathiravan, Advocate, S.R.No.32994

+1cc to the Government Pleader, S.R.No.33634

W.P.No.4304 of 2014

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