

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.28052 of 2014

and

M.P.No.1 of 2014 & W.M.P.No.15719 of 2016

Inter Caste Couple's Association of India,
represented by its President,
K.Alagesan
S/o.P.Kandasamy
No.25, Srinivasa Nagar,
Chinna Thirupathy,
Salem - 636 008.

... Petitioner

Vs.

- 1.The Principal Secretary to the Government,
Personnel and Administrative Reforms,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Secretary to Government,
Labour and Employment,
Fort St.George, Chennai - 600 009.
- 3.The Secretary to Government (School Education),
Fort St.George, Chennai - 600 009.
- 4.The Director of School Education,
DPI Campus,
Chennai - 600 006.
- 5.The Director,
Director of Employment and Training,
Guindy, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider all the priority candidates as per G.O.Ms.No.188 dated 28.12.1976 issued by the first respondent while making recruitment to the post of Lab

Assistants in the Government Higher Secondary Schools under the control of the fifth respondent.

For Petitioner :Mr.K.Sathiyavel
for Mr.M.Gnanasekar

For Respondents :Mr.M.Bindran,
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider all the priority candidates as per G.O.Ms.No.188 dated 28.12.1976 issued by the first respondent while making recruitment to the post of Lab Assistants in the Government Higher Secondary Schools.

2. The Government issued G.O.Ms.No.188 dated 28.12.1976. Accordingly, priority for employment was provided for certain categories. For example, priorities is granted to disabled, ex-service men, destitute widows and also to inter-caste married couple where one of the spouses belongs to SC/ST community.

3. The petitioner is Inter Caste Couple's Association of India. The grievance of the petitioner is that the Government policy of granting priority for employment to the inter-caste married couple has not been provided properly.

4. This Court is of the considered opinion that the petitioner has come out with a writ petition for a general relief, which cannot be granted by this Court. Once the Government policy is in force for granting priority, such priority can be given in accordance with the terms and conditions stipulated. The grant of priority is the policy decision of the Government and such a priority has already been granted to the inter-caste married couple in G.O.Ms.No.188 dated 28.12.1976. The applicability of the Government order is also to be verified by the competent authorities.

5. In view of the fact that the Government order was passed in the year 1976 and the process of recruitment underwent many changes and rules have also been either framed or amended, all these factors are to be taken into consideration by the competent authorities while undertaking the process of selection. This Court cannot grant general relief as such. If at all, any person aggrieved from and out of the non-implementation of Government orders and the rules in force, such aggrieved

person may approach the Court of law for appropriate relief. Thus, the writ petition filed by the petitioner association cannot be entertained.

Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

gm

To

- 1.The Principal Secretary to the Government,
Personnel and Administrative Reforms,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Secretary to Government,
Labour and Employment,
Fort St.George, Chennai - 600 009.
- 3.The Secretary to Government (School Education),
Fort St.George, Chennai - 600 009.
- 4.The Director of School Education,
DPI Campus,
Chennai - 600 006.
- 5.The Director,
Director of Employment and Training,
Guindy, Chennai.

+1cc to Mr.M.Gnanasekar, Advocate SR.No.40039

+1cc to the Government Pleader, SR.No.40719

Writ Petition No.28052 of 2014

NRL(CO)
CB(14/07/2022)