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W.P.Nos.23748 & 24323 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.Nos.23748 & 24323 of 2022 &
W.M.P.Nos.23316, 23319, 22715 & 22717 of 2022

P.S.Sudha
S.Suseela

... Petitioner in W.P.No.23748 of 2022
... Petitioner in W.P.No.24323 of 2022

Vs

The Chairman,
Teachers Recruitment Board,
Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.

... Respondent in W.P.No.23748 of 2022

1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Department of School Education,
Secretariat,
Chennai - 600 009.

2.The Commissioner/Director,
School Education Department,
DPI Campus, College Road,
Chennai - 600 006.



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3. The Teachers Recruitment Board,
Rep. by its member Secretary,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents in W.P.No.24323 of 2022

Prayer in W.P.No.23748 of 2022: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to appoint the petitioner as Post Graduate Teacher (Computer Instructor Grade - I) in pursuance to the result published as per Notification No.01/2021 dated 09.09.2021 and amended Notification No.01D/2022 dated 27.08.2022 under the ten percent reservation earmarked for Secondary Grade Teachers.

Prayer in W.P.No.24323 of 2022: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to select the petitioner for the post of Computer Instructor Grade-I under 10% SGT reservation as per the Notification of the third respondent dated 09.09.2021 in Advertisement No.01/2021, and consequently, direct the respondents to appoint the petitioner as Computer Instructor Grade-I in the School Education Department forthwith.



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For Petitioner
in W.P.No.23748 of 2022 ... Mr.C.Munusamy

For Petitioners
in W.P.No.24323 of 2022 ... Mr.M.R.Jothimanian

For Respondent
in W.P.23748 of 2022 &
for respondent 3
in W.P.No.24323 of 2022 ... Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.C.Kathiravan,
Special Government Pleader

For Respondents 1 & 2
in W.P.No.24323 of 2022 ... Mr.C.Sathish,
Government Advocate

COMMON ORDER

These writ petitions have been filed for a mandamus seeking for a direction to the respondents to appoint the respective petitioners as Post Graduate Teachers (Computer Instructor Grade-I) pursuant to the result published as per Notification No.1 /2021, dated 09.09.2021 and amended Notification No.01D/2022 dated 27.08.2022 under the 10% reservation earmarked for Secondary Grade Teachers.



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2. The grievance of the respective petitioners are that though they are Secondary Grade Teachers and entitled for 10% reservation under the Secondary Grade Teachers category, but their names have been erroneously excluded in the final selection list. It is also categorically contended that despite the reservation being provided for Secondary Grade Teachers, no posts have been filled up under the said quota. The respective petitioners contend that four posts ought to have been allotted for Secondary Grade Teachers in respect of Computer Instructor Grade-I as per reservation criteria, but the respondents in the final selection list have not issued appointment orders for Post Graduate Teachers (Computer Instructor Grade-I) under the Secondary Grade Teachers reservation criteria.

3. It is also the grievance of the respective petitioners that in the application submitted by them seeking for appointment to the Post Graduate Teachers (Computer Instructor Grade-I) pursuant to the recruitment Notification dated 09.09.2021 as well as the amended Notification dated 27.08.2022, the online application form did not enable the respective petitioners to disclose that they have applied for the subject posts under the



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Secondary Grade Teachers reservation quota. According to them, for no fault of theirs, their right to get appointed in public service as Post Graduate Teachers (Computer Instructor Grade-I) has been defeated.

4. A counter affidavit has been filed by the respondents, wherein they would submit that at the time of uploading the application forms, the respective petitioners did not apply under the Secondary Grade Teachers reservation so as to enable them to claim Secondary Grade Teachers reservation quota. According to them, only for the said reason, the respective petitioners' candidatures were not considered.

5. Heard Mr.C.Munusamy, learned counsel for the petitioner in W.P.No.23748 of 2022, Mr.M.R.Jothimanian, learned counsel for the petitioner in W.P.No.24323 of 2022, Mr.R.Neelakandan, learned Additional Advocate General, assisted by Mr.C.Kathiravan, learned Special Government Pleader appearing for the respondent in W.P.23748 of 2022 as well as for respondent 3 in W.P.No.24323 of 2022 and Mr.C.Sathish, learned Government Advocate appearing for the respondents 1 & 2 in W.P.No.24323 of 2022.



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6. Learned counsels for the respective petitioners drew the attention of this Court to the final selection list dated 27.08.2022 for the post of Computer Instructor Grade-I for the year 2020-2021 and would submit that as per the final selection list dated 27.08.2022, it is clear that the respondents have not filled up the post under the Secondary Grade Teachers reservation criteria.

7. It is not in dispute as seen from the counter affidavit filed by the respondents that there is 0% reservation for Secondary Grade Teachers to the subject post of Computer Instructor Grade - I. It is also not in dispute as seen from the counter affidavit filed by the respondents that no posts of Computer Instructor Grade I was filled under the Secondary Grade Teachers reservation category. The only contention raised by the respondents is that the respective petitioners did not disclose in their respective application forms which was uploaded online that they have applied for the subject post of Computer Instructor Grade-I under the Secondary Grade Teachers reservation category. According to them, having not applied under the said



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reservation category, they are not entitled to get selected under the said reservation category.

8. Admittedly, the application form for the post of Computer Instructor Grade-I does not enable any aspirant to disclose as to whether they are applying under the Secondary Grade Teacher reservation category or not. As seen from the application form, the only particulars sought for from the aspirants with regard to the working experience are as follows:

- (a) Are you working in Government as Regular Employee ?
- (b) Date of Joining the Government Service (State) ?

9. In accordance with the application form to be submitted for Computer Instructor Grade I posts, the respective petitioners had filled up the particulars. Both of them have disclosed that they are working in Government as a regular employee and the date of their respective joining was also disclosed. Since there was no requirement for them to disclose in the application form that they are seeking reservation under the Secondary Grade Teachers category, they have not disclosed the same.



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10. Insofar as other posts are concerned, it is not in dispute that the application form clearly disclosed that the aspirants will have to disclose as to whether they are seeking for reservation under the Secondary Grade Teachers category or not. Only for the post of Computer Instructor Grade-I, for which the petitioners are seeking appointment, admittedly, there was no such requirement mentioned in the application form and therefore, for no fault of the respective petitioners, they have been denied reservation under the Secondary Grade Teachers criteria.

11. There may be similarly placed persons, who may have not approached this Court by filing writ petitions. Admittedly, there are four posts reserved for Secondary Grade Teachers category reservation to the post of Computer Instructor Grade-I. The reason given for exclusion of the respective petitioners from the selection list that they have not sought for reservation under the Secondary Grade Teacher category while submitting their respective applications, has to be rejected, as admittedly, the application form submitted by the respective petitioners seeking for



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appointment to the post of Computer Instructor Grade-I did not have a column to make it mandatory to disclose that they are applying for the subject posts under the Secondary Grade Teachers reservation criteria.

12. There is a merit in the submissions made by the learned counsels for the respective petitioners in these writ petitions. However, as observed earlier, all the aspirants who wanted reservation to the post of Computer Instructor Grade-I under the Secondary Grade Teachers category of 10% reservation will have to be given an opportunity and only thereafter, final orders can be passed by the respondents, with regard to the selection pertaining to the four posts of Computer Instructor Grade-I as per Notification.

13. For the foregoing reasons, this Courts finds that the non inclusion of Secondary Grade Teachers reservation category for the post of Computer Instructor Grade-I under the final selection list dated 27.08.2022 is arbitrary and not in accordance with recruitment Notification.



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14. In the result, this writ petition is **disposed of** by directing the Teachers Recruitment Board to fill up the posts of Computer Instructor Grade-I under 10% reservation category for Secondary Grade Teachers as per the Notification No.01/2021 dated 09.09.2021 and amended Notification No.01D/2022 dated 27.08.2022, after considering the respective petitioners' applications as well as others who are eligible to apply under Secondary Grade Teachers reservation quota, within a period of twelve weeks from the date of receipt of a copy of this Order. If the respective petitioners are found to be eligible, the Teachers Recruitment Board is directed to request the Director of School Education to issue appropriate appointment orders in their respective favour. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/ No
Speaking Order/Non-speaking Order

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To

- 1.The Principal Secretary to Government,
Department of School Education,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner/Director,
School Education Department,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Teachers Recruitment Board,
Rep. by its member Secretary,
DPI Campus, College Road,
Chennai - 600 006.



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ABDUL QUDDHOSE, J.

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