



W.P.No.25895 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.25895 of 2022
and W.M.P.No.24980 of 2022

K. Senthilkumar

.. Petitioner

Vs.

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

2.The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.

3.The Teachers Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.

4.N. Subramanian

.. Respondents

*[*R4 impleaded vide order dated 23.11.2022 made in WMP.No.26525/2022 in WP.No.25895/2022 by AQJ*]*

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the



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records of the impugned revised provisional list dated 31.03.2022 published by the third respondent and to quash the same and directing the respondents to appoint the petitioner to the post of PG Assistant (Chemistry) in Adi-Dravida, Tribal Welfare Department as per the provision list dated 21.10.2021 prepared in accordance with the directions given by this Court dated 09.01.2020.

For Petitioner : Mr.S. Rajendra Kumar

For Respondents : Mr.C. Kathirvan,
Special Government Pleader [R1 & R3]

Mr.Stalin Abimanyu,
Additional Government Pleader [R2]

Mr.M.R. Jothimanian [R4]

ORDER

The petitioner has challenged the impugned Revised Provisional Selection List dated 31.03.2022, under which, his name has not been included, even though his name was included in the earlier Provisional Selection List dated 20.11.2019.

2. In paragraphs 19 & 20 of the counter-affidavit filed by the third respondent, the third respondent has contended that in the light of the



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decision rendered by this Court on **07.01.2021** in **WP.No.4608 of 2011**, in the case of '**M. Rajarajeswari Vs. The Chairman**', the petitioner's name was removed under the impugned Revised Provisional Selection List dated 31.03.2022, on the ground that even though the petitioner and the fourth respondent have secured the same marks, on the basis of the fourth respondent's seniority in age, the petitioner was removed from the impugned Revised Provisional Selection List.

3. The learned counsel for the fourth respondent would also submit that pursuant to the impugned Revised Provisional Selection List dated 31.03.2022, appointment orders have also been issued in favour of the fourth respondent for the subject post. A copy of the appointment order dated 29.08.2022 has also been placed on record by the learned counsel for the fourth respondent before this Court and the same is not disputed by the learned counsel for the petitioner.

4. In view of the settled law that in case of an aspirant securing the same marks, the seniority in age is the only factum that will have to be adopted for issuing appointment orders, this Court is of the considered view



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that the present Writ Petition challenging the impugned Revised Provisional Selection List dated 31.03.2022, does not have any merit, as the petitioner's age is lesser than that of the fourth respondent's age, who has already been issued appointment order on 29.08.2022 for the subject post.

5. In the result, this Writ Petition stands dismissed. No costs.

Connected miscellaneous petition is closed.

20.12.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

- 1.Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Secretariat,
Chennai – 600 009.
- 2.The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.
- 3.The Teachers Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Maligai,
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ABDUL QUDDHOSE,J.

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20.12.2022