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WP No.8479 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.8479 of 2017
And
WMP No.24866 of 2017**

D.Nandakumar

..

Petitioner

VS.

- 1.State of Tamil Nadu Represented by its
Secretary,
School Education Department,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006.
- 3.The Director of Government Examinations,
DPI Campus,
College Road,
Chennai-600 006.



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4.The Chief Educational Officer,
Tiruvannamalai District.

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5.R.Prabu

6.V.Govindaraj

7.S.Manjumadha

8.V.Sureshkumar

9.N.Thirumurugan

10.S.Krishnamurthy

11.R.Silambarasan

12.M.Susil

13.R.Chitra

14.J.Ussain Basha

15.B.Narayanamoorthy

16.J.Ranjith

17.S.Palani

18.E.Ramachandran

19.M.Rajkamal

20.M.Purushoth

21.M.Rathika

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22.P.S.Karthi

23.N.Shabana Begam

24.H.Sarvanan

25.P.Santhanalakshmi

26.N.Kuppan

27.K.Sindhu

(R-5 to R-27 impleaded vide order
of Court dated 11.07.2017 made
in WMP No.18947 of 2017 in
WP No.8479 of 2017) ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the select list of candidates for certificate verification notified in the website of the fourth respondent with respect to the Tiruvannamalai District and quash the same in so far as the selection of priority candidates are concerned and consequently direct the respondents to publish the fresh list of priority candidates by treating all the categories within Group-II in G.O.Ms.No.188, dated 28.12.1976 equally and apply the priority category by selecting the most meritorious amongst all the categories based upon the marks.



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For Petitioner : Ms.R.Pavithra for
Ms.Dakshayani Reddy.

For Respondents-1 to 4 : Mr.S.Yashwanth,
Additional Government Pleader.

For Respondents-5 to 27 : Mr.J.Muthukumaran

ORDER

The non-selection of the writ petitioner for appointment to the post of Lab Assistant is under challenge in the present writ petition.

2. The petitioner participated in the process of selection for appointment to the post of Lab Assistant. The petitioner completed B.Sc., (Mathematics) in the year 2003 and M.Sc., (Mathematics) in the year 2014 and completed B.Ed., in the year 2007 and M.Ed., in the year 2012.

3. The grievance of the writ petitioner is that he is eligible to avail the priority quota allotted to 'Landlosers Category' and the said benefit was not extended. Thus the petitioner is constrained to move the present writ petition.



4. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 brought to the notice of this Court that priority categories were considered in the order fixed by the Government Guidelines issued in G.O.Ms.No.188, Personnel and Administrative Reforms Department, dated 28.12.1976.

5. The priority for employment through Employment Exchanges are classified as under:-

“ANNEXURE

PRIORITY FOR EMPLOYMENT THROUGH

EMPLOYMENT EXCHANGES

GROUP 1 :

I) Disabled Ex-Servicemen

(Disabled Ex-Servicemen mean Ex-Servicemen who while serving in the Armed Forces of the Union were disabled in operation against enemy or in disturbed areas)

II) Upto two members of the family (widows/sons/daughters/next of kin) of the enrolled personnel of the Armed Forces who were killed or disabled in action and are totally



unfit for re-employment leaving their families in indigent circumstances and upto two members of the family (widows/sons/ daughters/next of kin) of Border Security Force Personnel killed in action.

GROUP II :

I). “Destitute Widows”

(Destitute widow means one who has neither any means by herself to live on nor any dependent to protect her from starvation)

(Authority G.O.Ms.No.229, Personnel and Administrative Reforms (Personnel-R) Department, dated 07.04.1988)

II) “Intercaste Married Couple”

(Where one of the Spouses belongs to SC/ST)

(Authority G.O.Ms.No.393, Personnel and Administrative Reforms (Personnel-R) Department, dated 24.09.1986)

III) Ex-Servicemen and Wives, sons and unmarried daughters of serving military personnel

(Ex-Servicemen means a person, who after



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having served for any period of time in the Defence Service (Indian Army, Indian Air Force, Indian Navy, the Auxiliary Forces of India and the Boys Companies) has been discharged (except that one who has been dismissed by a Competent Authority or one who has been discharged on account of misconduct or inefficiency before completing six months service shall not be treated as ex-servicemen)

IV) Indian Nationals retiring from Burma/Sri Lanka and East African Countries of Kenya, Uganda and Tanzania due to repatriation.

V) Members of family including members of Scheduled Castes/Scheduled Tribes, whose lands have been acquired for Government purposes as well as for the project of the Public Sector Undertakings subject to the condition that preference should be given to those who are dependent for their livelihoods primarily or wholly on the lands acquired and from among them to members of the Scheduled Castes and Scheduled Tribes who may be eligible for



employment.

GROUP III:

I) Discharged Government employees (State) as defined in the Government of Madras letter Ms.No.1100 Public (Services) Department, dated 24.10.1951.

II) The Physically Handicapped persons viz., the blind, the deaf, Orthopaedically Handicapped persons, mentally retarded, leprosy cured and burnt out cases etc., provided the handicap is not such as would render the candidate unfit for efficiently discharging the duties attached to the post.

III) Retrenched employees of the Census Organisation with not less than six months services.

IV) The Hindi Pandits and other language Pandits who have been ousted on account of the introduction of two Language Formula.

GROUP IV:

I) Person who have served in the Territorial Army or in the Lok Sahayak Sena for more than six months and on their discharge



revert to part time employment in the Territorial Army or in the Lok Sahayak Sena the case may be.

II) Territorial Army Personnel and Ex-Servicemen of the Auxiliary Air Force who were embodied in the present emergency and have been disembodied after a continuous engagement of over six months.

III) Persons who have worked as Youth Services Corps Volunteers for a minimum period of one year.”

6. Priority is a concession granted by the Government and therefore, it is to be granted strictly in accordance with the terms and conditions stipulated.

7. In the present case, the priority was granted to the candidates as per the Government Guidelines and the petitioner had not reached the zone of consideration for availing the priority granted to the 'Landlosers Category'. Since the petitioner was not within the zone of consideration, now



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at this length of time, the relief as such sought for in the present writ petition
deserves no merit consideration.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

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State of Tamil Nadu,
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Chennai-600 009.
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