



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 17901 of 2017

and

W.M.P. Nos. 19430 and 27155 of 2017

M.Ponnurangam

... Petitioner

-vs-

1. The Secretary,
Personnel and Administrative Reforms Department,
Secretariat,
Chennai - 600 009.
2. The Secretary,
School Education Department,
Secretariat,
Chennai - 600 009.
3. The Director,
Directorate of School Education,
Chennai - 600 006.
4. The Primary Education Officer,
Vellore.
5. The Deputy Director,
District Employment Office,
Vellore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third and Fourth Respondents to appoint the Petitioner under the priority category of Orphan in the post of Lab Assistant by following G.O. (Ms) No. 8, Personnel and Administrative Reforms (R) Department dated 10.01.2000.

For Petitioner : Mr. S.Karthikeyan

For Respondents : Mr. P.Balathandayutham,
Special Government Pleader



O R D E R

Heard Mr. S.Karthikeyan, Learned Counsel for the Petitioner, Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed seeking direction to the Third and Fourth Respondents to appoint the Petitioner under the priority category of orphan in the post of Laboratory Assistant in terms of G.O. (Ms) No. 8, Personnel and Administrative Reforms (R) Department dated 10.01.2000 by contending that the said benefit had not been extended while making appointment to that post in the notification dated 22.04.2015 issued by the Second Respondent.

3. Having regard to the nature of relief claimed by the Petitioner, it must be recapitulated here that any appointment in public service would have to conform to the rule of equality of opportunity to all eligible citizens guaranteed under Articles 14 and 16 of the Constitution of India. It is evident on a reading of G.O. (Ms) No. 188, Personnel and Administrative Reforms (Personnel - P) Department dated 28.12.1976 and G.O. (Ms) No. 8, Personnel and Administrative Reforms (R) Department dated 10.01.2000 that they are enabling provisions for priority to orphans and for extending the said benefit, specific reservation has to be made by the appointing authority against sanctioned vacancies for those posts in that regard. Inasmuch as the Petitioner has not shown any such reservation for orphans made for the post of Laboratory Assistant, the claim made cannot be countenanced.

In fine, the Writ Petition, which is devoid of merits, is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

skr/Maya



To

1. The Secretary,
Personnel and Administrative Reforms Department,
Secretariat,
Chennai - 600 009.
2. The Secretary,
School Education Department,
Secretariat,
Chennai - 600 009.
3. The Director,
Directorate of School Education,
Chennai - 600 006.
4. The Primary Education Officer,
Vellore.
5. The Deputy Director,
District Employment Office,
Vellore.

+1cc to Mr.C.Kathiravan, Advocate, S.R.No.34461

+1cc to the Government Pleader, S.R.No.34517

W.P. No. 17901 of 2017

EV(CO)
UMA(22/06/2022)