



W.P.(MD)No.9631 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9631 of 2020

and

W.M.P.(MD)No. 8673, 8677 and 8678 of 2020

S.Muthukrishnan

... Petitioner

Vs.

1.The Secretary
Secretariat,
Chennai - 600009

2.The Director
Directorate of Collegiate Education,
9th floor EVK Sampath Buildings,
College Road,
Chennai - 600006.

3.The Chair Person
Teacher Recruitment Board,
College Road,
Chennai - 600006.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, Calling for the records pertaining to the Tamil Nadu Teachers Recruitment Board Notification No.12/2019 dated 28.08.2019 and 04.10.2019 on the file of the 3rd respondent and quash the same as illegal and consequently directing the respondents to emphasize to provide reservation for Intercaste Married couples based on the representation dated 30.01.2020.

For Petitioner : Mr. Sivaprakash.S

For Respondents : Mr. T.Amjed Khan - for R1 & R2
Government Advocate

Mr.V.R.Shanmuganathan - for R3

ORDER

This writ petition has been filed to quash the Tamil Nadu Teachers Recruitment Board Notification No.12/2019 dated 28.08.2019 and 04.10.2019 on the file of the 3rd respondent and consequently to direct the respondents to emphasize to provide reservation for Inter-caste Married couples based on the representation, dated 30.01.2020.



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2. The learned counsel for the petitioner submitted that the Teacher Recruitment Board issued a notification for filling up 2331 post of Assistant Professors in Government Arts and Science Colleges vide impugned Notification No.12 of 2019, dated 28.08.2019 and 04.10.2019. The eligibility fixed in the notification is NET/SLET/SET/SCST/ CSIR/JRF or should have possessed Doctorate in the said Department. Since the petitioner possessed the necessary qualification, he applied for the above said recruitment post. In the said recruitment notice, horizontal reservation emphasized 30% for Women and 20% for Tamil Medium and 4% for disability. In regard with inter-caste marriage people, no reservation was provided in the notification. Since the petitioner performed the inter-caste marriage, no reservation was provided in the impugned notification, is not sustainable one. Challenging the impugned notification on the score alone, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that the present notification is contrary to G.O.Ms.No.188, dated 28.12.1976, wherein, the State Government passed a Government Order the recruitment through



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Employment Exchange order of priority should be given to the inter-caste marriage people. However, without considering the above said Government Order, the present impugned notification is issued which is not sustainable one and hence, he prayed for appropriate orders.

4. The learned Standing Counsel appearing for the third respondent submitted that G.o.No.188 dated 28.12.1976 relates to recruitment through Employment Exchange. However, in the present case, the respondent issued a notification calling for application to fill up 2331 places of Assistant Professors through Teachers's Recruitment Board and the eligible candidates is entitled to participate in the selection process. In the present case, reservation policy adopted by the Board is based on the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Unless the Act provides for reservation for the inter-caste marriage people, the respondent has no power to issue notification for providing the reservation for inter-caste marriage people. Accordingly, he prayed for dismissal of the writ petition.



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5. Heard, Mr.S.Sivaprakash, learned counsel appearing for the petitioner, Mr.T.Amjed Khan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the third respondent.

6. The facts in the present case are not in dispute. Admittedly, the petitioner had participated in the selection process for the post of Assistant Professors vide impugned impugned Notification No.12 of 2019, dated 28.08.2019 and 04.10.2019. The Grievance of the petitioner is that the petitioner performed inter-caste marriage, however, there was a priority in G.O.Ms.No.188, dated 28.12.1976, for providing the priority category for the persons, who performed inter-caste marriage. However, the said Government Order was now repealed and subsequently, the act was came into force for providing the reservation to various categories. Unless the Act provides for priority or reservation for inter-caste marriage people, the notification cannot be challenged. Hence, in the absence of any reservation in the Act, the prayer sought for in this writ petition cannot be granted.



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7. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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