



W.P(MD)No.22247 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22247 of 2022

and

W.M.P(MD)No.16426 of 2022

K.Arunprasath

... Petitioner

Vs

1.The Secretary to Government,
Personnel & Administrative Reforms,
(Personnel – P) Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Member Secretary,
Teachers Recruitment Board,
3rd & 4th Floor,
Puratchi Thalaivar Dr.MGR Centenary
Building, DPI Campus,
College Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner herein for appointment as Post Graduate Assistant (English) on priority basis under the category of Intercaste Marriage as per



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G.O(Ms)No.188 Personnel and Administrative Reforms (Personnel-P)
Department, dated 28.12.1976.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.A.K.Manikkam
Special Government Pleader for R.1

Mr.V.R.Shanmuganathan
Standing Counsel for R.2

ORDER

Heard the learned counsel on either side.

2. The petitioner belongs to Scheduled Caste community. He got married outside the caste. My attention is drawn to G.O(Ms)No.188 Personnel and Administrative Reforms (Personnel-P) Department, dated 28.12.1976 in which intercaste married couple were put under priority category in the matter of recruitment through employment exchange for Group-II posts. The grievance of the petitioner is that the said priority is no longer accorded. The process of recruitment is now governed by Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The said statute has superseded all the earlier Government Orders. Recruitments are now no longer made exclusively through employment exchanges. In any event, Group-II posts are filled up only through direct recruitment.



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3. As rightly pointed out by the learned Special Government Pleader as well as learned Standing Counsel for the respondents, reservations cannot be demanded as a matter of right. It is only a concession given by the Government. However, the issue raised by the writ petitioner deserves to be taken note of by the first respondent. The petitioner is permitted to submit a representation to the first respondent for inclusion of the category of “Intercaste Married couple” as priority category. It is a policy decision that has to be taken only by the Government. It is not for this Court to issue any positive direction. The first respondent is called upon to take a decision in the matter and pass order on the petitioner’s representation that may be submitted. This writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

08.11.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Secretary to Government,
Personnel & Administrative Reforms,
(Personnel – P) Department,
Government of Tamil Nadu,
Fort St.George,
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2.The Member Secretary,
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