



W.P No.1103 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.1103 of 2020 and

W.M.P.Nos.1318 & 1320 of 2020

1.G.Gnana Xavier
2.H.Vigneshwaran

... Petitioners

Vs.

1.The Government of Tamilnadu,
Rep by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George, Chennai - 9.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road, Chennai-6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned provisional list circulated by the 3rd respondent in its No.Nil dated 02.01.2020 and quash the same and consequently, direct the respondents to include the name of the petitioners herein under the Backward Classes category for appointment to the post of Post Graduate Assistant (History).



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For Petitioners : Mr.S.Mahesh

For Respondents : Mr.R.Neelakandan, assisted by
: Mr.K.Sathishkumar, Standing Counsel for
R2 & R3
: Mr.T.Arunkumar, Govt. Advocate for R1

ORDER

This Writ Petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records of the impugned provisional list circulated by the 3rd respondent in its No.Nil dated 02.01.2020 and quash the same and consequently, direct the respondents to include the name of the petitioners herein under the Backward Classes category for appointment to the post of Post Graduate Assistant (History).

2. Heard Mr.S.Mahesh, learned counsel for the petitioners and Mr.R.Neelakandan, assisted by Mr.K.Sathishkumar, Standing Counsel appearing for R2 and R3 and Mr.T.Arunkumar, learned Government Advocate appearing for R1.

3. The facts of case in brief are as follows:



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In pursuant to the notification issued by the third respondent Teacher's Recruitment Board, the petitioners applied to the post of P.G. Assistant (History). The written examination was held on 27.09.2019 and the provisional list of selected candidates has been published. In the said list, the first petitioner was at Serial No.67 and the second petitioner was at Serial No.78 and both the petitioners belong to BC Community and have been called for certificate verification. At that point of time, a few Writ Petitions were filed in respect of 15 questions, for which, erroneous key answers have been identified. This led to revaluation of marks in respect of all the candidates. Accordingly, the first petitioner who secured 79 marks initially has got 81 marks and the second petitioner who got 79 marks initially has got 80 marks. Subsequent to the revaluation, a provisional list was published on 02.01.2020, in which, the petitioners' names were not found. Hence this Writ Petition has been filed.

4. The learned Standing Counsel appearing for the third respondent submitted that according to the rules of reservation, the number of posts allotted for each vertical and horizontal reservation should be prepared. He also brought the attention of this Court to the



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case of K.R.Shanthi Vs. Teacher's Recruitment Board in W.P.No.21170 of 2012 dated 01.10.2012. In the said order, the method of preparing the list of candidates basing on their respective vertical and horizontal reservation has been given as under:

“After identifying the number of vacancies earmarked for various categories, the selection for each category has to be made purely based on merit following the method detailed below:

First Step:

(i) As against the number of vacancies identified for open quota, irrespective of caste, sex, physically challenged, etc., everyone should be allowed to compete based on merits.

(ii) The meritorious candidates should be first selected as against the above vacancies under open quota.

Second Step:

(iii) After completing the first step, moving on to the vertical reservation categories, selection has to be made for each category from amongst the remaining candidates belonging to the particular reserved category (vertical) based on merits.

Third Step:

(iv) After completing the second step, horizontal



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reservation which cuts across the vertical reservation has to be verified as to whether the required number of candidates who are otherwise entitled to be appointed under the horizontal reservation have been selected under the vertical reservation.

v) On such verification, if it is found that sufficient number of candidates to satisfy the special reservation (horizontal reservation) have not been selected, then required corresponding number of special reservation candidates shall have to be taken and adjusted/accommodated as against social reservation categories by deleting the corresponding number of candidates therefrom.

(vi) Even while filling up the vacancies in the vertical reservation, if, sufficient number of candidates falling under the horizontal reservation have been appointed, then, there will be no more appointment exclusively under the horizontal reservation.

Caution:

(vii) At any rate, the candidates who were selected as against a post under open quota shall not be adjusted against the reserved quota under vertical reservations.”

5. Accordingly, the Board has prepared the candidates list on the



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basis of the marks secured and in accordance with the pattern suggested to prepare list for all categories. As per the provisional selected list dated 02.01.2020 as per BC turn, the candidate who secured 82 marks was selected as a last candidate. Since the first and second petitioners have secured only 80 and 81 marks respectively, they could not be selected for appointment.

6. Even though the petitioners' names appeared in the provisional list already published, due to revaluation taken place subsequently, all the candidates were given with some additional marks on the basis of the report of the Expert Committee. In this exercise, it seems that the first petitioner got two marks extra and the second petitioner got one mark extra. Despite the above fact, the candidates who have got marks upto 82 alone were found place as against the reservation for BC candidates. Since the marks secured by the first petitioner is one mark below the cut-off and the second petitioner is two marks below the cut off, they cannot be accommodated in the list and consequently, they were not selected. Since the respondents have followed the rules of reservation and the



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petitioners did not find place in the selection list due to a shortcutting edge, the relief sought by the petitioners could not be granted.

7. In the result, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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To

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School Education Department,
Secretariat, Fort St.George, Chennai - 9.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

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and

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