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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.15394, 15395, 15396, 15438, 15439 and 15440 of 2015

W.P.No.15394 of 2015:-

M.S.Shanmugam

... Petitioner

-Vs-

1. The State of Tamil Nadu,
represented by its Secretary to Government,
School Education Department,
Fort.St.George,
Chennai-600 009.

2. The Secretary,
Tamil Nadu Public Service Commission,
Chennai-600 009.

3. The Director of School Education,
College Road,
Chennai-600 006.

4. The Chief Educational Officer,
Tiruvallur District,
Tiruvallur.

... Respondents

Prayer in W.P.No.15394 of 2015 :- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in his Na.Ka.No.2748/A1/2015 dated 22.04.2015 and quash the same and further



direct the respondents to fill up the Lab Assistant vacancies through Employment Officer Seniority or to conduct competitive exam through Tamilnadu Public Service Commission for entire vacancies in post of Lab Assistant under the third respondent as a single unit and reserve certain percentage of vacancies to persons registered with the Employment Office as well as for physically challenged person.

In W.P.Nos.15394 to 15396 of 2015

For Petitioners : Mr.B.Jawahar
For Respondents
R1, R3 and R4 : Mr.V.Veluchamy
Additional Government Pleader
R2 : Mr.R.Bhraanidharan
Standing Counsel

In W.P.Nos.15438 to 15440 of 2015

For Petitioners : Mr.S.Nedunchezhiyan
For Respondents : Mr.V.Veluchamy
Additional Government Pleader

COMMON ORDER

The Writ Petition in W.P.No.15394 of 2015 has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in his Na.Ka.No.2748/A1/2015 dated 22.04.2015 and quash the same and further direct the respondents to fill up the Lab Assistant vacancies through Employment Officer Seniority or to conduct competitive exam through Tamilnadu Public Service Commission for entire vacancies in



post of Lab Assistant under the third respondent as a single unit and reserve certain percentage of vacancies to persons registered with the Employment Office as well as for physically challenged person.

2. The Writ Petition in W.P.No.15395 of 2015 has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in his Na.Ka.No.2748/A1/2015 dated 22.04.2015 and quash the same and further direct the respondents to fill up the Lab Assistant vacancies through Employment Officer Seniority or to conduct competitive exam through Tamilnadu Public Service Commission for entire vacancies in post of Lab Assistant under the third respondent as a single unit and reserve certain percentage of vacancies to persons registered with the Employment Office.

3. The Writ Petition in W.P.No.15396 of 2015 has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in his Na.Ka.No.2748/A1/2015 dated 22.04.2015 and quash the same and further direct the respondents to fill up the vacancies through Employment Officer Seniority or to conduct competitive exam through Tamilnadu Public Service Commission for entire vacancies in post of Lab



Assistant under the third respondent as a single unit and reserve certain percentage of vacancies to persons registered with the Employment Office as well as for Destitute Widows.

4. The Writ Petitions in W.P.No.15438 of 2015 to W.P.No.15440 of 2015 have been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notification issued by the second respondent in No.Nil dated 22.04.2015 and to quash the same and consequently directing the respondents to adopt the process of selection in consonance to Article 14 and 16 of Constitution of India and as per the procedure established by law and consequently select and appoint the petitioner to the Post of Lab Assistant based on merits in the selection.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on record.

6. After issuance of the notice to the respondents, they filed a counter. A perusal of the counter revealed that this Court had already passed a detailed interim order dated 07.08.2015, in all the writ petitions. Accordingly, if the respondents are willing to proceed with the selection as per the notification



dated 22.04.2015, they shall follow any one of the selection methods suggested

in the interim order passed by this Court on 07.08.2015.

7. The selection methods indicated by this Court in Para 22.4 of the interim order dated 07.08.2015 as are as follows:-

22.4. Hence, I have no hesitation to hold that excluding the marks in the written examination for final selection of candidates is not fair and the same is illegal and arbitrary. Accordingly, the respondents are directed to empanel the candidates based on the marks obtained in the written examination and weightage of marks for employment exchange seniority, acquisition of higher qualification and past experience, based on which, the selection could be made. That is, the empanelment of the candidates shall be based on the marks obtained by the candidates out of the following total marks of 167 :

<i>Maximum marks allotted for</i>	
<i>written examination</i>	<i>: 150</i>
<i>Marks for employment exchange</i>	
<i>registration seniority</i>	<i>: 10</i>
<i>Marks for acquisition of higher qualification</i>	<i>: 5</i>
<i>Marks for past experience</i>	<i>: 2</i>
	<i>-----</i>
	<i>167</i>
	<i>-----</i>

OR, in the alternative,

The respondents are at liberty to empanel the candidates based on the marks obtained in the written examination, marks for employment exchange registration seniority, acquisition of higher qualification, past experience and interview. That is, the empanelment of the candidates shall be based on the marks obtained by the candidates out of the following total marks of 175 :

<i>Maximum marks allotted for</i>	
<i>written examination</i>	<i>: 150</i>
<i>Marks for employment exchange</i>	
<i>registration seniority</i>	<i>: 10</i>
<i>Marks for acquisition of higher qualification</i>	<i>: 5</i>
<i>Marks for past experience</i>	<i>: 2</i>
<i>Marks for interview</i>	<i>: 8</i>
	<i>-----</i>
	<i>175</i>
	<i>-----</i>



8. The learned counsel for the respondents submitted that the respondents, as directed by this Court followed the selection methods and the entire selection process has been already completed.

9. Therefore, nothing survives for further adjudication in these writ petitions. Accordingly, these Writ Petitions are dismissed as infructuous. No costs.

25.07.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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To

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1. The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort.St.George,
Chennai-600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Chennai-600 009.
3. The Director of School Education,
College Road,
Chennai-600 006.
4. The Chief Educational Officer,
Tiruvallur District,
Tiruvallur.



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G.K.ILANTHIRAIYAN, J.

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W.P.Nos.15394, 15395, 15396, 15438, 15439 and 15440 of 2015

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