



WEB COPY



W.P.No.4187 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4187 of 2021

S.Udayakumar

... Petitioner

Vs.

1.The Principal Secretary,
Personnel and Administrative
Reforms (S) Department,
The Govt. of Tamil Nadu,
Secretariat, Chennai 600 009.

2.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai, Periyar EVR High Road,
Poonamallee High Road, Kilpauk,
Chennai 600 010.

3.The District Recruitment Bureau Chennai District,
O/o.The Additional Registrar of Co-operative Societies,
No.91, St.Mary's Road,
Abhiramapuram, Chennai 600 018.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's application dated 30.01.2020 under the priority consideration within communal reservation to the priority categories notified in G.O.No.188, Personnel and Administrative Reforms dated



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28.10.1976 in Annexure Group II : (ii) also as per the Tamil Nadu Government Servants (Conditions of Service) Act 2016 Act. No.14 of 2016 u/s. 18(1) filing up of vacancies and also as per G.O.No.142 dated 14.10.2009 to the post of Assistant in Co-operative Bank.

For Petitioner : Ms.S.Lakshmi

For Respondents : Mr.P.Sanjai Gandhi, GA

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's application dated 30.01.2020 under the priority consideration within communal reservation to the priority categories notified in G.O.No.188, Personnel and Administrative Reforms dated 28.10.1976 and as per Section 18(1) of the Tamil Nadu Government Servants (Conditions of Service) Act 2016, and also as per G.O.No.142 dated 14.10.2009 to the post of Assistant in Co-operative Bank.

2. Heard Ms.S.Lakshmi, learned counsel for the petitioner and Mr.P.Sanjai Gandhi, learned Government Advocate for the respondents.



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3. The petitioner who is said to have undergone an intercaste marriage has claimed that he has got priority in appointments in accordance with G.O.Ms.No.142 dated 14.10.2009 r/w Section 18(1) of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 (Act 14 of 2016). Hence, the petitioner has filed this Writ Petition with the above prayer.

4. The learned counsel for the petitioner submitted that as per G.O.Ms.No.142 dated 14.10.2009, the petitioner is eligible for appointment on communal basis as well. The petitioner should be given a priority in employment by the Government. The petitioner is said to have applied for the post of Assistant in pursuant to the notification dated 30.01.2020. The petitioner has also attended the interview but he was not given with any appointment. Since the petitioner has got priority in the employment, suitable directions should be given to the respondents.

5. The learned Government Advocate for the respondents submitted that G.O.Ms.No.142 dated 14.10.2009 would prescribe the



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percentage between priority and non-priority sectors in the case of recruitment through Employment Exchange. The recruitment in question does not pertain to Employment Exchange and hence, G.O.Ms.No.142 will not apply to the case of the petitioner. The petitioner had applied for the post as per the notification, but he was not selected. As the petitioner did not succeed in the competitive examination, he cannot seek employment as a matter of right.

6. Admittedly the employment in question was not made through the sponsorship from the Employment Exchange. Even as per the submission of the petitioner, the employment notification was given on 30.01.2020 online. In the notification itself it has been stated that all those reservations for respective categories would be as how it is followed in the Government recruitment. Even though it might be right for the petitioner to claim that there is priority for the persons who have married inter-caste, that can be applicable only if the respective recruitment is sponsored through Employment Exchange. The petitioner has not proved before the Court that he is eligible and fall within the pool



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of those persons of the same category who are found to be selected in accordance with the cut-off marks. Without furnishing any details, the petitioner has simply given a representation to the respondents to consider his candidature for appointment on priority basis. Since the impugned recruitment does not fall under G.O.Ms.No.142 and the petitioner also did not prove before the Court that he is eligible to be selected within the category for which any reservation is made on the basis of his community, no direction can be given as sought by the petitioner.

7. With these observations, this Writ Petition is dismissed and the petitioner is at liberty to apply for any future notification or employment that might route through Employment Exchange sponsorship. No costs.

22.12.2023

Index : Yes /No
Internet : Yes/No
Speaking /Non-speaking
gsk



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R.N.MANJULA, J.

gsk

To

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Secretariat, Chennai 600 009.

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