



WEB COPY



W.P.No.24594 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

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

W.P.No.24594 of 2011

and

M.P.No.1 of 2011

M. Vidhya Priyatharsini

.... Petitioner

Vs

1. The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Building,
D.P.I Compound, College Road,
Chennai – 600 006.

2. The Assistant Director,
District Employment Office,
Salem, Salem District.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issue a WRIT OF MANDAMUS, directing the respondents to change the Community of the petitioner as Adi Dravidar Schedule Caste instead of SCAWPR Community in the Recruitment process of Graduate Assistant through Employment Registration state seniority 2010-2011 and direct them to select the Petitioner as Zoology Graduate Assistant.



WEB COPY



W.P.No.24594 of 2011

For Petitioner : Mr. C.K.M. Appaji

For R1 : Mr. R. Siddharth
Standing Counsel

For R2 : Mr. R.P. Murugan Raja
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus for direction directing the respondents to change the Community of the petitioner as Adi Dravidar Schedule Caste instead of SCAWPR Community in the recruitment process of Graduate Assistant through Employment Registration State seniority 2010-2011 and direct them to select the petitioner as Zoology Graduate Assistant.

2. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the first respondent, the learned Government Advocate appearing for the second respondent and perused the materials available on record.

3. The petitioner belongs to Adi Dravidar Community which is classified as Scheduled Caste. She completed B.Sc., B.Ed., and registered her name in the Employment Exchange. In the District



W.P.No.24594 of 2011

Recruitment for appointment of Graduate Teacher, the petitioner's name was sponsored and she was called upon to attend for certificate verification on 14.02.2011. In the call letter, her community was indicated as SCAWPR instead of Adi Dravidar Community. Though, both the communities come under the Scheduled Caste category, the Government decided to provide allocate special quota for Arunthathiyar Community. The petitioner was not selected. In fact, on the enquiry, the respondents stated that the petitioner's caste name was wrongly mentioned as SCAWPR instead of Arunthathiyar. Therefore, the petitioner submitted a representation to change her community as Adi Dravidar instead of SCAWPR for the recruitment process of Graduate Assistant.

4. On perusal of the counter filed by the second respondent revealed that as per the Government Order, 3% Reservation for Scheduled Caste Arunthathiyar category was allotted in the year 2010. On certificate verification done by the first respondent, it was found that the petitioner belongs to Scheduled Caste Community not Scheduled Caste Arunthathiyar Community. The error was immediately rectified by the second respondent when the petitioner approached the second respondent office. The first respondent published the tentative list of candidates



W.P.No.24594 of 2011

selected for Graduate Assistants. The persons viz., Destitute Widow and Inter Caste Marriage alone were selected as per G.O.Ms.No.188, Personnel and Administrative Reforms (Personnel P) Department, dated 28.12.1976. Therefore, the petitioner is concerned, she belongs to third category of priority viz., dependent of Ex-Serviceman, and as such she is not selected.

5. That apart, the error committed by the second respondent was duly rectified when the petitioner approached the second respondent. Therefore, the petitioner is a dependent of Ex-Serviceman and as per G.O.Ms.No.188, dated 28.12.1976 and no eligible candidate is available in the first two categories, viz., (i) Destitute Widow (ii) Inter Caste Marriage. Then only the candidate with dependent of Ex-Serviceman priority will be selected. Since, there are available candidates in the first two priority categories, the petitioner was not selected by the first respondent.

6. Therefore, the direction sought for in this writ petition cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed.



W.P.No.24594 of 2011

Consequently, connected miscellaneous petition is closed. There shall be
no order as to costs.

17.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

Lpp/Shl

To

1. The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Building,
D.P.I Compound, College Road,
Chennai – 600 006.
2. The Assistant Director,
District Employment Office,
Salem, Salem District.



WEB COPY



W.P.No.24594 of 2011

G.K.ILANTHIRAIYAN, J.

Lpp/Shl

W.P.No.24594 of 2011
and
M.P.No.1 of 2011

17.08.2023