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W.P.No.3833 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.3833 of 2012

M.Thirumalai Kumar

...Petitioner

Vs

1. The Chairman,
Teachers Recruitment Board,
DPI Campus,
College Road, Chennai 600 006.
2. The Director,
Directorate of Employment and Training,
Guindy, Chennai 600 032.
3. The District Employment Officer,
Kokkirakulam,
Tirunelveli – 627 009

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the entire records connected with the order in RC No.3520/B2/2011 dated 01.12.2011 of the 1st respondent and quash the same and consequently, direct the 1st respondent to consider the candidature of the petitioner for the post of Graduate Teacher under the B.C.Priority Category of Orphan and pass appropriate orders selecting him for the said post within a time



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frame fixed by this Court.

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For Petitioner : Ms.R.Gobika
for Mr.S.Sathia Chandran

For Respondents : Mr.C.Kathiravan
Standing counsel for
R1
Mr.T.Chezhiyan.
Additional Government Pleader
for R2 and R3

ORDER

The facts of this case are that in response to the notification issued by the 1st respondent vide letter No.4221/B2/09 dated 19.11.2009, the petitioner herein submitted an application for consideration of his case for appointment to the post of Graduate teacher (Physics). The petitioner claimed a benefit of priority consideration by placing reliance on a certificate issued by the competent authority certifying the petitioner as an Orphan. The name of the petitioner was also sponsored by the 3rd respondent but for the reasons best known, the same was sponsored under the category of Dependant of Ex-Servicemen. On verification of the certificates produced by the petitioner, the petitioner was found to be not falling under the category of Dependant of



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Ex-servicemen but falling under the category of orphan.

2. The case of the petitioner was considered for appointment to the post in question under the category of Orphan. But the case of the petitioner does not fall within the zone of consideration as no posts were ear-marked for the category of Orphan in the notification, dated 1911.2019. Therefore, the petitioner was not selected and appointed to the said post. Questioning the action of the respondent in not considering the case of the petitioner, the petitioner approached this Court on an earlier occasion by filing WP No.12936 of 2020 and this Court by an order dated 18.07.2011, directed the respondents therein to consider the case of the petitioner therein. Thus, once again, the 1st respondent considered the case of the petitioner and a detailed order was passed in proceedings in RC No.3520/B2/2011 dated 01.12.2011, rejecting the case of the petitioner duly informing the petitioner that his priority category has not come up within the zone of consideration and the same was also communicated to the petitioner. Aggrieved by the said communication dated 01.12.2011, the present writ petition has been filed.



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3. From the perusal of the averments made in the affidavit filed in support of the writ petition especially Ground-C, it is noticed that no posts were ear-marked in the notification itself for the priority category of Orphan. Admittedly, the petitioner is claiming the benefit of priority under Orphan category only but not in the category of Dependant of Ex-servicemen. In the light of the above, this Court does not find any error or illegality in the impugned order passed by the 1st respondent in RC No.3520/B2/2011 dated 01.12.2011 and accordingly, this writ petition stands dismissed. No costs.

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Index:Yes
Speaking order
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To

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MUMMINENI SUDHEER KUMAR .,J

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