



WEB COPY



W.P.No.19912 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.19912 of 2020
and W.M.P.No.24582 of 2020

R.Rajarajan

...

Petitioner

/vs/

1. The Secretary to Government of Tamil Nadu,
School Education,
Fort St. George,
Chennai – 600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.
3. Teachers Recruitment Board,
Represented by its Chairman,
4th Floor, EVK Sampath Maligai,
Chennai – 600 006.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to fill up the post of Physical Education Teacher in respect of various unfilled reserved post under the Backward Community Category by strictly applying the Rule of Reservation on appointment envisaged in Rule 22 of the Tamil Nadu State



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and Subordinate Service Rules.

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For Petitioner ... Ms.Yazhini
for Mr.J.Saravana Vel
For Respondent ... Mr.T.Arunkumar
Additional Govt. Pleader for 1 and 2
Mr.C.Kathiresan
Standing Counsel for R3 (TRB)

ORDER

This Writ Petition has been filed for the issuance of Writ of Madamus directing the third respondent to fill up the post of Physical Education Teacher in respect of various unfilled reserved post under the Backward Community Category by strictly applying the Rule of Reservation on appointment envisaged in Rule 22 of the Tamil Nadu State and Subordinate Service Rules.

2. The petitioner had applied through direct recruitment for Special Teachers (Physical Education, Drawing, Music) in the School Education and other department for the year 2012-2016 as per the notification No.5/2017 dated 26.07.2017. The petitioner had cleared the written examination and was called for certificate verification. After completing the certificate verification, he was awarded with a total mark of 72. In the



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selected list of candidates, the petitioner was found to be placed at S.No.310. However, when the merit list was published, the petitioner's name was not found in it. The contention of the petitioner is that out of 632 vacant post, the respondents have filled only 561 posts.

3. Mr.T.Arunkumar, learned Additional Government Pleader submitted that the petitioner and another candidate who belongs to same category have got 72 marks; as per the rules of recruitment, if two persons belong to the same category obtains similar marks, the person who is senior by date of birth should be selected; since the petitioner was junior by date of birth, he was not selected.

4. The petitioner's contention that the vacancies earmarked for ex-service man, PSTM have not been filled up and hence the petitioner can be accommodated in the existing vacancies. However the learned Additional Government Pleader submitted that those vacancies have been filled up by the subsequent directions of the Court passed in various litigations and as such there are no vacancies available for the petitioners.



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6. In view of the above stated reasons, this writ petition is dismissed.

No costs. Connected miscellaneous petition is closed.

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