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W.P.(MD) No.9079 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.9079 of 2019

and

W.M.P.(MD) No.7071 of 2019

V.John Maniraj

... Petitioner

-VS-

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

2.The Secretary
Tamil Nadu Public Service Commission
Omandurar Government Estate
Chennai-600 002

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to appoint the petitioner as District Educational Officer in School Education Department in the State of Tamil Nadu based on his mark in main written exam, conducted by the second respondent to the post of District Educational Officer (2012) Code No. 2062 in Notification No.14/2014, dated 14.02.2014 with all continuity of service.



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For Petitioner : Mr.S.Saravanakumar

For Respondents : Ms.S.Jeya Priya
Government Advocate for R1 & R3
Mr.J.Anandakumar for R2

ORDER

The petitioner being qualified to be appointed as the District Educational Officer responded to the notification of the second respondent dated 14.02.2014 by submitting an application for being appointed by way of direct recruitment.

2. As per the notification, the method of recruitment is by way of conducting a preliminary examination and if the candidates score the minimum qualifying marks, they will be permitted to write the main examination and those of the candidates, who come within the zone of consideration, will be called for interview and thereafter, appointments will be made.

3. Accordingly, the petitioner participated in the selection process, got the minimum qualifying marks in the preliminary examination and thereafter, wrote the main examination and obtained 274 marks. But,



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however, he was not called for the interview. On the other hand, in a list published by the second respondent, an entry is made in respect of one candidate, who scored 200 marks, who has also been called for the interview. Therefore, the petitioner would submit that the entire selection process is vitiated.

4. The writ petition is resisted by the second respondent by filing a counter affidavit. It is the case of the second respondent that there were two types of vacancies, which were advertised in the same notification. Of the eleven posts advertised, two posts were earmarked for the in-service candidates by way of limited departmental competitive examination and a joint selection has been held for both categories. In that view of the matter, the candidate, who is pointed out by the petitioner and who has scored 200 marks, is an in-service candidate and therefore, his case is not comparable to that of the petitioner.

5. As far as the petitioner is concerned, he is an open market candidate and the last of the candidates, who was called for the interview, scored 494.5 marks and the petitioner having been scored only 274 marks does not come within the zone of consideration and accordingly, they would pray that the writ petition be dismissed.



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6. Since the writ petition is filed only based on the marks obtained by the in-service candidate and since the same is not comparable with the case of the petitioner and since the petitioner is not coming within the zone of consideration as he has scored only 274 marks, this writ petition is without any merits and as such, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Principal Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.



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