



W.P.(MD)No.10651 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 10651 of 2018

and

W.M.P(MD)Nos. 9733 & 9734 of 2018

M.Palanivel

... Petitioner

Vs.

1.The Secretary to the Government,
of Tamil Nadu,

2. The District Collector,
Thanjavur District.

3. The Correspondent,
Rajah's College,
Thiruvayaru,
Chathiram Department,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records pertaining to the impugned notification issued by the 3rd respondent, dated 10.04.2018 and quash the same with regard to serial No.8 of the impugned notification in so far as treating the post of director of Physical Education as General Priority category



W.P.(MD)No.10651 of 2018

WEB COPY

alone and consequently direct the respondents to permit the petitioner to participate in the selection process to the post of Director of Physical Education of 3rd respondent college as a candidate.

For Petitioner : Mr.S.Ram Sundar Vijayraj, for
M/s.Veera Associates

For R-1 & R-2 : Mr.M.Ramesh,
Government Advocate

For R-3 : No appearance

ORDER

This writ petition is filed challenging the notification of the 3rd respondent, dated 10.04.2018.

2. Heard Mr.S.Ram Sundar Vijay Raj, for M/s.Veera Associates, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate, appearing for the respondents 1 & 2. Perused the material documents available on record.



W.P.(MD)No.10651 of 2018

WEB COPY

3. The contention of the petitioner is that the post of Director of Physical Education, which is mentioned in the said Notification in Serial No. 8 is concerned, in the 3rd respondent college is a single post. Therefore, reservation cannot be followed and has relied on the Judgment rendered by the *Hon'ble Supreme Court* in the case of *R.R.Inamdar Vs. The State of Karnataka & Others*, in *Civil Appeal No(s).1495 of 2016*.

4. In the present case, the impugned notification was issued for recruitment of Assistant Professors for the posts namely, five Assistant Professors two posts for Sanskrit and one post of Physical Director. Since there is only one post of Physical Director the petitioner is claiming that the rules of reservation are not applicable. This Court is of the considered opinion that the said contention of the petitioner cannot be entertained. The Rules of Reservation ought to be followed for all the posts without discrimination. The Physical Education is one of the posts granted to the 3rd respondent college and the college is having other posts as well.



W.P.(MD)No.10651 of 2018

WEB COPY

5. Moreover if the Physical Education post is allotted to the said college for the first time, then as per 200 % roaster system, the college should allot the said post for “General Turn”. Thereafter when the incumbent demits the office due to retirement or for other reasons, then the said vacant post ought to be filled following 200% roaster which is allotted to “Schedule Caste (Arunthathiyars on preferential basis)”. The next reservation goes to “Most Backward Classes and Denotified Communities” and it goes on. The petitioner is confused and hence the claim of the writ petitioner is absolutely erroneous.

6. It is seen from the records that this Court has issued interim direction directing the petitioner is apply for the said and the petitioner had also applied and the respondents have accepted the application. The respondents are directed to process in accordance with rules and by following reservation and also strictly following the recruitment process. The petitioner is entitled to participate in the recruitment process.

7. For the reasons stated supra this Court is not inclined to quash the Notification and therefore, the impugned notification issued by the 3rd respondent,



W.P.(MD)No.10651 of 2018

WEB COPY

dated 10.04.2018, is sustained. The respondents are directed to process the recruitment process, within a period of three weeks from the date of receipt of a copy of the order.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes
ksa

13.03.2023

To

- 1.The Secretary to the Government,
of Tamil Nadu,
2. The District Collector,
Thanjavur District.



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W.P.(MD)No.10651 of 2018

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 10651 of 2018**

13.03.2023