



W.P.(MD)No.12447 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.12447 of 2016
and W.M.P.(MD) Nos.9344 and 9435 of 2016 and 5300 of 2018

R.Lakshmi

... Petitioner

Vs.

- 1.The Chairman,
Teachers Recruitment Board,
DPI Compound, College Road,
Chennai – 600 006.
- 2.The Director of School Education,
DPI Compound,
College Road,
Chennai – 600 006.
- 3.The Commissioner and Director,
Employment and Training,
Thiru.Vi.Ka Industrial Estate,
Guindy,
Chennai – 600 032.
- 4.The District Adi-Dravidar Welfare Officer,
Madurai District,
Collectorate,
Madurai – 625 020.



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5.The Regional Joint Director of Employment and Training,
District Employment Office Complex,
K.Pudur,
Madurai – 625 007.

6.The Assistant Director,
Professional and Executive Employment Branch Office,
District Employment Office Building (1st Floor),
K.Pudur,
Madurai – 625 007.

7.The Deputy Director/ District Employment Officer,
Madurai District Employment Office Building (Ground Floor),
K.Pudur,
Madurai – 625 007.

8.The Special Tahsildar (L.A.),
Adi-Dravidar Welfare,
Usilampatti,
Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order No. A3/2528/2016 dated 18.05.2016 issued by the 5th respondent and the order No.A.1/1881/2016 dated 27.05.2016 issued by the 6th respondent and quash the same and consequently, direct the 5th to 7th respondents to register the petitioner's land acquisition priority as on 27.05.2011 in the Employment Reg. No. MDP2002F00006324 of M.A., B.Ed., qualification and in the Employment Registration No. MDD1999F00009658 of B.A., B.Ed., qualification and consequently, direct the 7th respondent to sponsor the petitioner's name to the 1st respondent to consider the petitioner for appointment to the post of Graduate Assistant for the year 2012 under “Land Acquisition Priority quota” based on the



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notification dated 20.03.2012 published in the Daily Thandhi Newspaper, within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.VR.Shanmuganathan for R1

Mr.T.Amjadkhan
Government Advocate for R2 to R9

ORDER

The writ petitioner challenges the order of the 5th respondent in proceedings No. A3/2528/2016, dated 18.05.2016, and the order of the 6th respondent in proceedings No.A.1/1881/2016, dated 27.05.2016, and consequently, sought for a direction to the 5th to 7th respondents to register the petitioner's land acquisition priority as on 27.05.2011 in the Employment Reg. No. MDP2002F00006324 of M.A., B.Ed., qualification and in the Employment Registration No. MDD1999F00009658 of B.A., B.Ed., qualification and consequently, direct the 7th respondent to sponsor the petitioner's name to the 1st respondent to consider the petitioner for appointment to the post of Graduate Assistant for the year 2012 under “Land Acquisition Priority quota” based on the notification dated 20.03.2012, published in the Daily Thandhi Newspaper, within a time frame.



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2. If the relief that is sought for in the Writ Petition is granted, it will be contrary to the compulsory requirement of TET qualification which has come into force pursuant to the The Right of Children to Free and Compulsory Education Act, 2009.

3. The petitioner states that she is entitled to priority in consideration for employment as petitioner's lands were acquired by the Government. The basis of the claim is the two certificates issued by the Tahsildar on 30.08.2010 and 27.05.2011.

4. Mr.VR.Shanmuganathan, learned counsel appearing for the first respondent would submit that the entire process was completed in the year 2012 itself and there is no post to which the petitioner can be appointed as on today. Though there is an order of this Court reserving one post, he would state that by the time the Writ Petition was filed in 2016, the post was filled up in the year 2012 as well as 2013.

5. It is not in dispute that the certificates granted to the writ petitioner was granted by the competent authority and it was unfortunately ignored by the



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respondents 5 and 6. The petitioner has been certified to be a person who is genuinely entitled to the benefits of priority in consideration for employment to Government appointments. Therefore, despite the certificates having been produced, since the petitioner has been denied the benefit, it is open to her to sue for damages as against those responsible. However, in the light of the change in law and in view of the decision of the Full Bench of this Court that the TET is mandatory and since the petitioner does not possess that qualification, I am not in a position to grant the relief sought for.

6. Therefore, leaving it open to the petitioner to sue for damages as against those responsible, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.11.2023

NCC : Yes / No
Index : Yes / No

SJ

To
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