



W.P.(MD) No.13053 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD) No.13053 of 2016

J.Dhinakaran

.. Petitioner

Vs.

1.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
College Road, Chennai-600 006.

2.The Member Secretary,
Teachers Recruitment Board,
E.V.K. Sampath Maligai,
College Road, Chennai-600 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order dated 05.05.2016 made in RC.No. 533/L4/LC/2016 on the file of the Member Secretary, Teachers Recruitment Board, Chennai, the second respondent herein and quash the same and consequently direct the respondents to consider the petitioner's name in priority category of legal heir of Freedom Fighters as per the G.O.No.59 of Labour and Employment Department for the post of



W.P.(MD) No.13053 of 2016

secondary Grade Teacher based on the petitioner's representation dated 01.12.2015.

For Petitioner : Mr.C.U.Meenakshi Rama Prabu
for Mr.A.V.Arun

For Respondents : Mr.VR.Shanmuganathan
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

2. The case of the petitioner is that he has completed Diploma in Teacher Education in the year 2007. He appeared for the examination conducted by the respondent-Board in August, 2013 and secured 93 marks. He belongs to Maravar community falling under MBC/DNC category. He also falls under the category of legal heir of Freedom Fighter and Tamil Servant as per G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999. The respondent has issued notification dated 10.01.2014 for recruitment to the post of Secondary Grade Teacher based on Teacher Eligibility Test conducted in August,



W.P.(MD) No.13053 of 2016

2013 and based on the certificate verification conducted on 20th January, 2014, appointment orders were issued to the selected candidates in July, 2015. But the name of the petitioner did not find in the revised selection list.

3. The petitioner is the legal heir of Freedom Fighter Sri K.M.P.Karuppaiah. The Government by G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, issued orders prescribing priority to legal heirs of Freedom Fighters and Tamil Servants. The petitioner produced necessary certificate as legal heir of Freedom Fighter from the Tahsildar, Tiruchuli, Virudhunagar District, dated 05.12.2007.

4. The contention of the petitioner is that his name has to be considered in priority category of legal heir of Freedom Fighters as per G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, for the post of Secondary Grade Teacher. The petitioner sent a representation to the respondents on 01.12.2015. When the said representation was not considered, he filed a writ petition in W.P.(MD)



W.P.(MD) No.13053 of 2016

WEB COPY

No.3472 of 2016 before this Court. The said writ petition was disposed of by order dated 18.02.2016, directing the respondents therein to consider the representation of the petitioner dated 01.12.2015 in terms of G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of the order. In compliance of the said order, the 2nd respondent by his proceedings dated 05.05.2016, rejected the representation of the petitioner stating that the Government Order is not applicable to the petitioner. Aggrieved by the same, the present writ petition is filed.

5. Learned counsel for the petitioner contends that the 2nd respondent, without considering the case of the petitioner properly, simply rejected the representation on a flimsy and untenable ground. He further contends that when the Government Order was passed in the year 1999, there was no recruitment of Secondary Grade Teachers through the respondent-Board and the Government Order did not limit the category of jobs only through the sponsorship of Employment Exchange. Before



W.P.(MD) No.13053 of 2016

the formation of the Board, vacancies were filled through the Employment Exchange and thus, priority would be given to the legal heirs of the Freedom Fighters and Tamil Servants and as such, the reasoning of the 2nd respondent is illegal, arbitrary and unsustainable and sought to allow the writ petition.

6. On the other hand, learned Standing Counsel appearing for the respondent-Board basing on the averments made in the counter affidavit would submit that as per the provisions of G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, priority will be given for the heirs of Freedom Fighters and Tamil Servants when names are sent by Employment Exchange to Government Departments and Undertakings for filling up job vacancies. The Government Order clearly specifies that the order would be applicable only for cases where names are sponsored by Employment Exchange. But when recruitments are made through the Selection Board, the said Government Order is not applicable to the petitioner and the petitioner is not entitled for any relief in terms of the said Government Order and sought to dismiss the writ petition.



W.P.(MD) No.13053 of 2016

WEB COPY

7. Having heard the submissions of the respective counsels and upon careful perusal of the entire material available on record, it is an admitted fact that the petitioner is fully qualified for consideration of the post of Secondary Grade Teacher and he is also legal heir of the Freedom Fighter. It is also an admitted fact that the Government has issued G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, providing priority to the legal heirs of Freedom Fighters and Tamil Servants when their names are sent by Employment Exchange to Government Undertakings for filling up of job vacancies. In the present case, the petitioner is insisting for priority in the selection process of Secondary Grade Teachers conducted by the respondent-Board.

8. In the counter affidavit, it is stated that the recruitment to the post of Secondary Grade Teacher will be made through Teachers Eligibility Test for the selection of Secondary Grade Assistant. As such, G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, has no applicability in respect of the selection of the petitioner.



W.P.(MD) No.13053 of 2016

WEB COPY

9. On careful perusal of the Government Order in G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, it is clear that priority will be provided for the heirs of Freedom Fighters and Tamil Servants, when names are sent by Employment Exchanges to the Government Departments and Undertakings while filling up job vacancies. Admittedly, that Government Order is not applicable to the selection process undertaken by the Recruitment Boards including Tamil Nadu State Public Service Commission. As such, basing on the said Government Order, the petitioner is not entitled for any relief sought in this writ petition at present.

10. However, it is to be noted that the the policy of the State Government formulated *vide* G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, to give priority to the legal heirs of Freedom Fighters, Tamil Servants, disabled Ex-Servicemen, Defence Services, killed in action etc., which is very laudable. The policy is introduced by recognizing the sacrifice of their families for the welfare of



W.P.(MD) No.13053 of 2016

the Society. In fact, there is some force in the contention of the learned counsel for the petitioner that at the relevant point of time, when the said Government Order is issued, there was no Teachers Recruitment Board and Teacher posts were being filled by sponsoring through the Employment Exchange and as such, the benefit provided under G.O.Ms.No.59, Labour and Employment Department, dated 04.05.1999, to give priority to different categories has to be continued in the present selection process also.

11. In view of the facts and circumstances of the case, this Court expects that the State Government will take appropriate decision by issuing necessary orders to give priority to the legal heirs of the Freedom Fighters, Tamil Servants, Disabled Ex-Servicemen, Defence Services, killed in action etc., in the regular selection process also being undertaken by various Recruitment Boards to honour the sacrifice of their families to the society.

12. With the above observations, this Writ Petition is disposed of.



W.P.(MD) No.13053 of 2016

WEB COPY

13. Registry is directed to send a copy of this order to the Chief Secretary to Government of Tamil Nadu for taking appropriate decision.

14. No costs.

17.08.2023

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

abr

To

1.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
College Road, Chennai-600 006.

2.The Member Secretary,
Teachers Recruitment Board,
E.V.K. Sampath Maligai,
College Road, Chennai-600 006.



WEB COPY



W.P.(MD) No.13053 of 2016

BATTU DEVANAND, J.

abr

W.P.(MD) No.13053 of 2016

Dated : 17.08.2023