



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2023

WEB COPY

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY****W.P. (MD) No.5437 of 2009**

K.Ramajeyalakshmi

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Department of Personnel & Administrative Reforms,
Fort Saint George, Chennai - 9.

2. The Secretary to Government of Tamilnadu,
Department Employment and Training,
Fort Saint George, Chennai - 9.

3. The Chairman,
Teachers Recruitment Board,
College Road, Chennai.

4. The Director,
Professional and Executive Employment Exchange,
Ramakrishna Mutt Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of **Writ of Mandamus**, directing the 3rd respondent to follow communal reservation, reservation for women and priority on the ground of inter caste of marriage in the case of the petitioner and appoint her from the post of lecturer in English department in the Government Arts and Science College and educational institutions in the ongoing recruitment process conducted in lieu of G.O.Ms. No. 8, Higher Education (F2) department dated 14.01.2008.

For Petitioner : Mr.G.Thalaimutharasu

For R1, 2 & 4 : Mr.R.Suresh Kumar,
Additional Government Pleader

For R-3 : Mr.V.R.Shanmuganathan,
Standing counsel



ORDER

This writ petition is filed for **Writ of Mandamus**, directing the 3rd respondent to follow communal reservation, reservation for women and priority on the ground of inter caste of marriage in the case of the petitioner and appoint the petitioner in the post of lecturer in English department in the Government Arts and Science College and educational institutions in the ongoing recruitment process conducted in lieu of G.O.Ms.No.8, Higher Education (F2) department dated 14.01.2008.

2. The petitioner has qualification to be appointed as Lecturer in English. The contention of the petitioner is that she had married a person belonging to SC community and possessing Inter Caste marriage certificate issued by the competent authority and she is entitled to priority under the quota granted in G.O.Ms.No.188 Personnel & Administrative Reforms (Personnel-P) Department, dated 28.12.1976.

3. However, the learned counsel appearing for 3rd respondent submitted that the G.O.Ms.No.188 is applicable to the recruitment process, when it was conducted through employment exchange only. Now TRB is calling for applications from the general public, thereafter, the applications would be processed in accordance with law, hence the said G.O. is not applicable. The TRB has issued a "special notification" and the priority categories are listed in the notification. In the said notification the inter caste marriage category is not included. In fact, this has been exclusively explained to the petitioner through a letter, dated 29.05.2009. The petitioner instead of challenging the said letter has filed this writ petition for Writ of Mandamus. Therefore, the respondents prayed to dismiss this writ petition.

4. Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondents 1, 2 & 4 and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for 3rd respondent. Perused the material documents available on record.

5. The Government has issued G.O.Ms.No.188 Personnel & Administrative Reforms (Personnel-P) Department, dated 28.12.1976, where it has been stated that this G.O. is applicable for the recruitment process through employment exchange only. Therefore, the said G.O. cannot be made applicable when the recruitment process is not through employment exchange seniority.



6. In the present case the TRB is calling applications from the general public for which notification is issued. In the said notification it has been specifically stated the eligible categories under "priority category", in which the inter-caste marriage is not included. Hence, the relief sought for by the petitioner cannot be granted and this petition is liable to be dismissed.

7. Accordingly, this Writ Petition stands dismissed. However, liberty is granted to the petitioner to challenge the notification. No costs.

Sd/-

Assistant Registrar()

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

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To

1. The Secretary to Government of Tamilnadu,
Department of Personnel & Administrative Reforms,
Fort Saint George,
Chennai - 9.
2. The Secretary to Government of Tamilnadu,
Department Employment and Training,
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Chennai - 9.
3. The Chairman,
Teachers Recruitment Board,
College Road, Chennai.
4. The Director,
Professional and Executive Employment Exchange,
Ramakrishna Mutt Road,
Chennai.

+1 CC to Mr. Government Pleader, SR.No.17288

+1 CC to Mr. G. THALAIMUTHARASU, Advocate SR.No.17172

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