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W.P.No.10859 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.10859 of 2015

and

M.P.No.1 of 2015

S.V.Revathi

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep by its Secretary to Government,
Higher Education Department,
Secretariat,
Chennai – 600 009.

2.The Member Secretary,
Teachers Recruitment Board,
Chennai – 600 006.

3.The Director of Collegiate Education,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to appoint the petitioner bearing Regn.No.13AP1613471 as Assistant Professor (Commerce-Computer Application) under B.C.(Women) category for direct recruitment of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts & Science Colleges – 2012 and confer all the consequential



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For Petitioner : Mr.V.Sivalingam
for M/s.C.S.Associates

For Respondents : Mr.R.Neethi Perumal
Government Advocate
for R1 & R3
Mr.R.Neelakandan
Additional Advocate General
asst.by Mr.K.Sathish Kumar
for R2

ORDER

The petitioner had participated in the recruitment process pursuant to Notification issued in Advertisement No.4 of 2013 dated 28.05.2013, for the post of Assistant Professor in (Commerce – Computer Application) under BC category and secured 27 marks in all including the marks awarded in the interview. The total number of posts that were notified were six (6) posts, out of that four (4) posts are meant for BC General and two (2) posts are meant for BC Women. In the merit list that was prepared by the respondent No.2, the first candidate secured 30 marks and candidates at the two and three places in the merit list secured 28 marks each and the petitioner and three others secured equal marks i.e, 27 marks each. Basing on the merit, the vacancies earmarked for BC General were filled up and out of them two candidates were women, out



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of the said four (4) candidates selected against the BC General. The fourth candidate also secured 27 marks. But considering the age of the said candidate namely Shanmugavadivu, was enlisted above the petitioner and others in the merit list.

2. In view of the fact that there is a sufficient representation for BC Women from out of the candidates selected against BC General category vacancies, the BC Women reservation was not operated, the same being horizontal reservation, the next candidates in the order of merit were selected who also secured 27 marks. But on finding that the said candidates are senior in age than the petitioner, they were selected and appointed to the remaining two (2) posts.

3. Aggrieved by the same, the petitioner approached this Court by filing the present writ petition contending that the first four (4) vacancies out of six (6) vacancies that are earmarked for BC General are required to be filled up by BC General and the remaining two (2) vacancies are to be filled up by women candidates only.



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4. The said contentions is totally misconceived/misplaced. In view of the fact that the reservation provided for BC Women is horizontal reservation, the question of operation of the said reservation will come into picture only in the event of not having proper representation for the women among the candidates selected for the posts under the BC General vacancies. Therefore, basis on which, the writ petition is totally misconceived.

5. Hence, this Court does not find any merit in the writ petition and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To



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MUMMINENI SUDHEER KUMAR, J.

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