



WEB COPY



W.P.No.8214 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8214 of 2024

and

W.M.P.Nos.9169 & 9170 of 2024

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Petitioner

Vs

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

2. The Teachers Recruitment Board,
Rep. by its Director,
3rd & 4th Floor, Puratchi Thalaivar Dr.M.G.R,
Centenary Building,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai – 600 006.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of declaration declaring that Clause 4 of the impugned Notification No.02/2024, dated 14.03.2024, with respect to rule of Reservation for recruitment of Assistant Professors issued by the first respondent as illegal, arbitrary and contrary to the ration laid down by Hon'ble Supreme Court of India in State of Tamil Nadu Vs. K.Shobana reported in 2021 (4) SCC 686 and Division Bench of our



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Hon'ble High Court in batch of writ petition in W.P.Nos.5105, 4430, 4431 & 4518 of 2024, Sheena Vs Tamil Nadu Public Service Commission dated 27.02.2024 and consequently direct the first respondent to fit the meritorious candidates in the General Turn at the outset irrespective of Community, followed by backlog vacancies and communal vacancies under regular list.

For Petitioner : Mr.G.M.Gokulram

For R1 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.R.Siddharth
Government Advocate

For R2 : Mrs.S.Anitha
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the Notification No.2/2024 dated 14.03.2024 issued for recruitment to the post of Assistant Professors.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is qualified to the post of Assistant Professor. As per Notification No.2/2024 dated 14.09.2022, in the vertical reservation, 69% communal reservation will be followed vertically



as per existing Government Rules / Orders i.e., 18% shall be reserved for Scheduled Castes including 3% offered to SC(A) on preferential basis amongst the Scheduled Castes, 1% for Scheduled Tribes, 26.5% for Backward Classes (other than Backward Class Muslims), 3.5% for the Backward Class Muslims, 20% for Most Backward Classes and Denotified Communities and 31% (General Turn) shall be filled on the basis of merit". The apprehension of the petitioner is that the General Turn of 31% is mentioned at the end without mentioning the filling up backlog vacancies.

4. It is contrary to Rule 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The issue was already settled by this Court in the case of State of Tamil Nadu Vs. K.Shobana reported in 2021 (4) SCC 686, wherein the Hon'ble Division Bench of this Court held that the General Turn must be filled up first and thereafter moving on to the vertical selection has to be made for each category from amongst the remaining candidates belonging to the particular reserved category (vertical) based on merits. Therefore, this procedure need not be notified in the Notification. It will be followed by processing the selection list. Therefore, on this ground the entire



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notification cannot be challenged. That apart, the writ petition is pre-matured. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed.

However, the second respondent must ensure that the selection shall be made in accordance with law under Rule 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Consequently, connected miscellaneous petitions are closed. No costs.

25.03.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To
1. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2. The Director,
Teachers Recruitment Board,
3rd & 4th Floor, Puratchi Thalaivar Dr.M.G.R,
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Perasiriyar Anbazhagan Kalvi Valagam,
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G.K.ILANTHIRAIYAN, J.

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