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W.P.No.10173 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.10173 of 2024
and W.M.P.No.11223 of 2024

Sivakumar

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway, Chennai – 600 003.
2. The Director of College Education,
EVK Sampath Building,
9th Floor, College Road,
Chennai – 600 006.
3. The Chairman,
Teachers Recruitment Board (TRB),
College Road,
DPI Complex,
Chennai – 600 006.
4. The Member Secretary,
Teachers Recruitment Board (TRB),
College Road, DPI Complex,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the



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records relating to the notification No.02/2024 dated 14.03.2024 issued by the 4th respondent and quash the same consequently direct the 4th respondent to give effect to the G.O.Ms.No.142 dated 14.10.2009 and issued fresh notification.

For Petitioner : Mr.T.Muruganantham
For Respondents : Mr.R.Bharanidharan [TNPSC]
[R1]
: Mr.Stalin Abimanyu
Additional Government Pleader
[R2]
: Mr.R.Neelakandan,
Additional Advocate General
assisted by
Mr.S.Siddharth, Government
Advocate [R3 & R4]

ORDER

This writ petition is filed challenging the notification No.2 of 2024 dated 14.03.2024 issued by the fourth respondent and consequently to direct the fourth respondent to give effect to the G.O.Ms.No.142, dated 14.10.2009.

2. The learned counsel appearing on behalf of the petitioner would submit that the Government Order clearly prescribes a quota



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among the priority holders and non-priority holders in the ratio of 1:4.

The same is followed in other notification also. Once such notification is issued by the Government, the Teachers Recruitment Board is to follow. Therefore, this Court has to interfere.

3. *Per contra*, Mr.R.Neelakandan, learned Additional Advocate General appearing on behalf of the Teachers Recruitment Board would submit that G.O.Ms.No.142 categorically states that it is applicable only if the recruitment is made by calling for names from the employment exchange. However, the present recruitment is made through advertisement and calling for the names from the open market and a written examination being conducted for recruitment. In that view of the matter, this G.O. is not applicable.

4. He would also submit that, the matter is also covered by the judgment of this Court in the case of ***A.Kavitha Vs. Government of Tamil Nadu and Anr. [W.P.No.1781 of 2022]***. This apart, it is pointed out by the learned Additional Advocate General that even in the other notification relied upon, the reservation is restricted for some categories.



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5. I have considered the rival submissions made on either side and have perused the materials placed before this Court.

6. Priority or reservation can be claimed if it is mandated by the Rules or the Government order. The Government Order pointed out by the learned counsel for petitioner clearly states that it is applicable only if the recruitment is made by calling for the names from the employment exchange. Whereas, the present recruitment is made by calling for names from the open market and conducting a written examination.

7. In that view of the matter, in the absence of any positive rule favouring the petitioner, this Court unable to do the aid to the petitioner. This apart, this matter has already been considered by this Court in *A.Kavitha's* case (cited supra), where this Court has held that in the absence of the rule, the petitioner cannot seek a remedy to direct the authority to include him under the priority category of intercaste marriage.



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8. In view thereof, finding no merits, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

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Index: Yes

Speaking Order: Yes

Neutral Citation: No

mp

To

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D.BHARATHA CHAKRAVARTHY, J.

mp

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