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W.P.No.17688 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM:

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

W.P.No.17688 of 2022

and

W.M.P.Nos.16978 & 32529 of 2022

G.Ranjini

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Petitioner

Vs

1.The Principal Secretary to State Government,
School Education Department,
Chennai – 600 009.

2.The Secretary of State Government,
Welfare of the Differently Abled Persons,
The Secretariat,
Chennai – 600 009.

3.The Secretary to Government,
Department of Human Resource Management,
Chennai – 600 009.

4.The Director of Differently Abled Persons
Welfare Department,
No.5, Kamarajar Salai,
Lady Willington College Campus,
Chennai – 600 005.

5. The Additional Member,
Teacher Recruitment Board,
3rd Floor DBI Campus,
College Road, Chennai – 600 006.

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Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the fifth respondent in Na.Ka.No.5466/E4(S1)/2022 dated 15.06.2022 and to quash the same and consequently direct the respondents to fix the minimum eligibility mark to the petitioner and other differently abled persons on par with the SC/SCA and ST candidates in the Post Graduate Teacher Recruitment Board Examinations (PGTRB) conducted by the fifth respondent.

For Petitioner	: No appearance
For R1 to R4	: Mr.M.Rajendran Additional Government Pleader
For R5	: Mr.R.Neelakandan Additional Advocate General Assisted by Mr.R.Siddharth Standing Counsel

ORDER

This Writ Petition has been filed challenging the notification issued by the fifth respondent dated 15.06.2022.

2. Heard the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned Additional Advocate General appearing for the fifth respondent. There is no representation for the petitioner and as such, this Court is inclined to pass orders on merits.



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3. The petitioner was qualified with M.Com., B.Ed., and

she is 80% differently abled person, affected with vision impairment.

The fifth respondent had fixed the minimum eligibility mark for all the candidates as 50%. As per G.O.Ms.No.107, School Education Department, dated 24.07.2003 and the Government Letter No.12305/Q2/03-02, dated 08.10.2003, the fifth respondent fixed the minimum eligibility of marks as 45% to the candidates belongs to the Scheduled Caste/Scheduled Caste Arunthathiar Community (SC/SCA). Though the fifth respondent provided 4% General Reservation for differently abled persons as per the G.O.Ms.No.20, Welfare of Differently Abled Persons (DAP 3.2) Department, dated 20.06.2018, the vacancies which have been reserved to the differently abled persons in the previous examinations by the fifth respondent have not been fulfilled in whole due to the minimum eligibility marks is fixed as 50% which is equal to the general categories candidates.

4. While being so, the fifth respondent issued notification invited applications from the eligible candidates for the direct recruitment for the post of Post Graduate Assistant/Physical Education



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Directors Grade-I/Computer Instructor Grade – I in school education and other departments for the year 2020-2021 in order to fill up 2207 vacancies. Due to the minimum eligibility mark fixed as 50% to the differently abled persons, there is backlog vacancy and it continued. Therefore, the notification itself is under challenge.

5. A perusal of the counter filed by the fifth respondent reveals that as per G.O.Ms.No.107, School Education Department, dated 27.07.2003 and the Government Letter No.12305/Q2/03-02, dated 08.10.2003, minimum eligibility mark for all the candidates was fixed as 50%, for SC/SCA candidates, the minimum eligibility mark was fixed as 40%. As per G.O.Ms.No.20, Welfare of Differently Abled Persons (DAP 3.2) Department, dated 20.06.2018, 4% reservation was allotted for differently abled persons. Accordingly, the notification dated 09.09.2021 was issued. Aggrieved by the same, the petitioner submitted a representation to reduce the minimum eligibility criteria for the differently abled candidates. However, the said request was rejected by a communication dated 15.06.2022 on the ground that it is a policy decision.



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6. The notification itself was issued on the basis of the Government order. Therefore, if at all the petitioner has any grievance over the Government order, she ought to have challenged the Government order in G.O.Ms.No.107, School Education Department, dated 27.07.2003 and the Government Letter dated 08.10.2003. Therefore, the request made by the petitioner was rightly rejected.

7. In view of the above, this Court finds no infirmity or illegality in the notification issued by the fifth respondent dated 15.06.2022. Thus, the writ petition lacks merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

08.07.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J.

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To

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