



WEB COPY



W.P. No.31340 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.31340 of 2014
and
M.P.Nos.1, 2 & 3 of 2014

T. Sivashanmugam

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary
Department of School Education
Fort St.George, Chennai – 09.

2.The Director of Elementary Education
College Road, Chennai – 600 006.

3.The Teachers Recruitment Board
Rep. by its Member-Secretary
4th Floor, EVK SampathMalikai
College Road, Chennai – 600 006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned Notification/Advertisement No.06/2014 dated 21.08.2014 issued by the 3rd respondent Teacher Recruitment Board in so far as it fails to provide Priority for Orphans in the appointment to the post of Secondary Grade Teacher and the consequential selection lists, quash the



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same and further direct the 1st respondent State Government and the 3rd respondent Teachers Recruitment Board to select and appoint the petitioner in the post of Secondary Grade Teacher under the priority category of Category viz., Orphans based on G.O.Ms.No.188 (Personnel and Administrative Reforms Department) dated 28.12.1976 and G.O.Ms.No.8, Personnel and Administration Reforms (R) Department, dated 10.01.2000.

For Petitioner : Ms.Mary Sowmi Rexi
For R1 & R2 : Mr.K.H.Ravi Kumar
Government Advocate.
For R3 : Mr.C.Kathiravan

ORDER

This writ petition has been filed challenging the Notification/Advertisement No.06/14 dated 21.08.2014 issued by the 3rd respondent Teachers Recruitment Board insofar as it fails to provide priority for Orphans in the appointment, to the post of Secondary Grade Teacher as provide under G.O.Ms.No.188 (Personnel and Administrative Reforms Department) dated 28.12.1976 and G.O.Ms.No.8, Personnel and Administrative Reform,s (R) Department, dated 10.01.2000.

2. It is the case of the petitioner that in terms of G.O.Ms.No.188 dated 28.12.1976 and G.O.Ms.No.8 dated 10.01.2000, the respondents are under obligation to give priority to the candidates belonging to Orphan



category but said provision is not made in the impugned notification.

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3. From a perusal of the material on record, it is noticed that the petitioner has participated in the recruitment process pursuant to the impugned notification and secured 70.55% marks. He belongs to Most Backward Community. Whereas in terms of selection list drawn by the respondent, the cut off marks for selection in the category of Most Backward Class (General) and Most Backward Class (Tamil Medium) turn out to be 75.81% and 75.17% respectively.

4. Thus, it is evident that the petitioner could not secure cut off marks fixed for the category of Most Backward Class (General) and Most Backward Class (Tamil Medium). Even assuming that the above said two Government orders are made applicable, also the same only provides for priority but not reservation. The question of considering the case of the petitioner for priority would arise only in case, if the petitioner secures equal marks on par with other candidates and it is only in such an event, the petitioner would be considered on priority basis to that of other candidates who secure equal marks. Admittedly, the benefit that is conferred on the



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persons belonging to Orphans category in the above said two Government orders is priority but not reservation. Even otherwise as seen from the Government orders, the said Government orders are applicable only in case of the candidates sponsored from the respective Employment Exchange but not for direct recruitment under taken by the 3rd respondent.

5. In the light of the above, this Court does not find merit in the writ petition and the same is accordingly dismissed. The connected miscellaneous petitions, if any shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No
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MUMMINENI SUDHEER KUMAR,J.

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