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Writ Petition No.21244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.21244 of 2024

and

W.M.P.Nos.23194, 23195 & 23196 of 2024

G.Madhulakshmi
D/o.Govindhasami

... Petitioner

Vs.

1.Teachers Recruitment Board,
represented by its Chairman,
College Road, Subba Road Avenue,
Nungambakkam, Chennai - 600 006.

2.Director of School Education,
DPI Compound,
College Road, Nungambakkam,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned online rejection order dated 23.07.2024 issued by the first respondent holding the petitioner as ineligible to the post of Graduate Assistant (English) and quash the same as being illegal, arbitrary and unconstitutional and consequently, direct the respondents to appoint the petitioner to the post of Graduate Assistant (English) under the second respondent with all attendant service benefits.



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For Petitioner : Mr.C.K.Chandrasekhar

For Respondents : Mr.R.Neelakandan,
Additional Advocate General assisted by
Mr.C.Kathiravan,
Special Government Pleader [R1]
Mrs.E.Ranganayaki,
Additional Government Pleader [R2]

ORDER

This writ petition has been filed challenging the online rejection order dated 23.07.2004 issued by the first respondent holding that the petitioner is not eligible to the post of Graduate Assistant (English) and for a consequential direction to the respondents to appoint the petitioner in the said post with all attendant benefits.

2. When the matter came up for hearing on 30.07.2024, it was brought to the notice of this Court that the vacancy that was reserved under the category of GT, CAT 4-(MI) was not filled up due to non-availability of candidates. In view of the same, this Court directed learned counsel appearing on behalf of respondents to take instructions.

3. When the matter was taken up for hearing today, this Court had the advantage of hearing learned counsel for petitioner and learned Additional Advocate General appearing on behalf of first respondent.



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4. The notification issued by the first respondent dated 25.10.2023 pertains to direct recruitment for the post of Graduate Teachers/Block Resource Teacher Educators [BRTE]. The notification itself provided for the vacancies that are available under different categories which includes community wise vacancies as well as vacancies that have been earmarked for persons suffering from disability.

5. The petitioner made an application and in that application, the petitioner has mentioned her community as MBC. The petitioner has also annnexed the community certificate that was given to her. However, the petitioner has specifically sought for reservation under the disability quota and she is bringing her case under Category IV, which deals with autism, intellectual disability, specific learning disability and mental illness and multiple disabilities from amongst persons under clauses (a) to (d) - 1% Reservation. The disability certificate that has been granted to the petitioner shows that the petitioner is suffering from locomotor disability (LD) 40% and hearing impairment (HH) 40%.

6. Learned Additional Advocate General appearing on behalf of first respondent submitted that as per the notification, the post of



Graduate Assistant (English) was reserved for GT, CAT 4 - (MI).

Learned Additional Advocate General submitted that mental illness is the main criteria, which was considered to be the disability under this particular reservation.

7. This Court went through G.O.(Ms).No.21, dated 30.05.2017, which talks about different categories, which falls under the 4% reservation given to differently abled persons. Those four categories are as follows:

- | | | |
|--|---|----|
| (a) blindness and low vision | - | 1% |
| (b) deaf and hard of hearing | - | 1% |
| (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy | - | 1% |
| (d) autism, intellectual disability, specific learning disability and mental illness and | } | 1% |
| (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities | | |

8. The petitioner is pitching her case under clause (e) on the ground that she is having multiple disabilities of both LD and HH.



9. In reply to the above submission, learned Additional Advocate General submitted that preference will be given to only those falling under either clause (d) or if it is a case of multiple disabilities to those who also possess any of the disabilities mentioned in clauses (a) to (c) combined with clause (d). Since the petitioner does not fall under any of these categories, the petitioner is not entitled for appointment under category GT, CAT 4 (MI).

10. The next issue that was raised by learned counsel for petitioner is that even if the petitioner does not satisfy the requirement under the disability quota, the petitioner has identified herself to belonging to MBC community and the petitioner has also annexed the community certificate. Therefore, the petitioner has to be considered under the MBC quota and if she is found eligible, she has to be appointed to the said post.

11. In reply to the above submission, learned Additional Advocate General submitted that the petitioner had secured 67 marks whereas the cut-off mark for MBC candidates was 111.5 and therefore, the petitioner is not even in the zone of consideration to be considered



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under the MBC quota. The petitioner has not secured higher marks to entitle her to be considered purely on merits. Therefore, the petitioner cannot be considered under the open category also.

12. In the considered view of this Court, when it comes to dealing with a service matter, the Court has to strictly go by the terms of notification issued by the authority. The Court cannot be swayed by sympathy since the issue involves public employment. Therefore, if the petitioner has not satisfied the requirements and her candidature has been rejected by the first respondent on the ground that she does not come within the eligibility of persons with disability – MI category, the same cannot be faulted.

13. Learned Additional Advocate General submitted that if the respondents are not able to fill up the post due to non-availability of candidate, the vacancy will be carried forward to the next recruitment in line with Section 27(bbb) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.



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In the result, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

07.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
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To

1.The Chairman,
Teachers Recruitment Board,
College Road, Subba Road Avenue,
Nungambakkam, Chennai - 600 006.

2.The Director of School Education,
DPI Compound,
College Road, Nungambakkam,
Chennai - 600 006.



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N.ANAND VENKATESH, J

gm

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