



W.P.No.22905 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22905 of 2023

and

W.M.P. Nos. 22399 and 22400 of 2023

1. V.Raman

2. M.Nalini

... Petitioners

Vs

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

2. Teacher Recruitment Board,
Rep. by its Member Secretary,
3rd and 4th Floor,
Puratchi Thalaivar Dr. M.G.R.Centenary Building,
DPI Campus, College Road,
Chennai – 600006.

3. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the Provisional Selection List for current vacancies for the post of Post Graduate Assistant in Mathematics dated 13.10.2022 pursuant to Notification No. 01C/2022 dated 03.08.2022 and quash the same insofar as the said list does not contain the names of the petitioners and consequently issue a direction to the second respondent to issue a revised Provisional Selection List for the post of PG Assistant in Mathematics by including the names of the petitioners who have secured 75.85 and 75.229 marks out of 150 marks in the written examination held on 16.02.2022 and 17.02.2022 pursuant to Notification 01C/2022 dated 03.08.2022 issued by the second respondent along with the petitioners User ID Registration No.TRBPG220344 and TRBPG878762 and Roll Number 21PG0822200446 and 21PG0810174091 under the Most Backward Class and Backward Class (Tamil) quota reserved for Persons Studied in Tamil Medium categories for the post of Post Graduate Assistant in Mathematics.

For Petitioners	: Mrs. Nalini Chidambaram, Senior Counsel for Mrs. C.Uma
For Respondents	: Mr. R.Neethiperumal, Government Advocate (for R1) Mr. R.Neelakandan, Additional Advocate General assisted by Mr. M.Alagu Goutham (for R2) Mrs. S.Mytherye Chandru, Special Government Pleader (for R3)



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ORDER

This Writ Petition has been filed challenging the provisional selection list for current vacancies for the post of Graduate Assistant in Mathematics dated 13.10.2022.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioners are qualified with M.Sc., Mathematics Tamil Medium and B.Ed. While that being so, the second respondent issued a Notification dated 09.09.2021 for the direct recruitment for the post of Post Graduate Assistants in various departments for the year 2020-2021. In the subject of Mathematics, the second respondent notified backlog vacancies as 22 out of 269 posts. Therefore, 247 posts were notified for current vacancies. Both the petitioners applied under the PSTM category for the post of Post Graduate Assistant in the subject of Mathematics.

3.1. The first petitioner secured 75.857 marks and the second



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petitioner secured 75.229 marks out of 150 in the written examination. The petitioners were short listed for certificate verification, which they attended on 03.09.2022. Subsequently, the second respondent released the provisional selection list for current vacancies on 16.09.2022, but the petitioners' names were not included. Additionally, the second respondent issued the final provisional selection list for backlog vacancies on 13.10.2022.

3.2. In the backlog vacancies, 18 candidates were included for the subject of mathematics. There were 48 posts reserved for the PSTM quota for the post of PG Assistant in mathematics. Out of 48 posts, 33 posts were allotted to three candidates who forfeited their seats and joined as Lecturers in the Polytechnic College. Further, 33 candidates did not satisfy the requirements to be selected under the PSTM category. Two vacancies were reserved for BC M under the PSTM category; since there were no eligible BC M candidates, these seats were transferred to the General category. Out of the remaining 15 seats, 13 candidates were selected under the PSTM category for the post of PG Assistant in mathematics.



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3.3. However, 13 candidates, though eligible, were not appointed as PG Assistants in Mathematics. Therefore, they filed a Writ Petition before this Court and obtained a favourable order. Out of 48 posts reserved for the PSTM category, two seats remained unfilled. Consequently, nine PG Assistant posts in Mathematics under the PSTM quota are available for other eligible candidates. Nevertheless, the second respondent failed to take steps to fill these vacancies. Both petitioners, belonging to MBC T and BC T, respectively, are eligible for appointment as PG Assistants in Mathematics.

4. On perusal of the counter-affidavit filed by the second respondent and submissions made by the learned counsel for the respondents, it reveals that the second respondent published the provisional selection list for various subjects and also published a revised provisional selection list pursuant to Section 34(ii) of the Rights of Persons with Disabilities Act, 2016 and Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.



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5. Further, it reveals that the petitioners' grievance is that their names were not included under the PSTM quota, despite securing 75.857 and 75.229 marks, respectively, in the written examination. The minimum cut-off marks for provisional selection, based on the revised provisional selection list dated 13.10.2022, for General and Women General candidates for the subject of Mathematics are as follows:-

<i>Communal Turn</i>	<i>Minimum Cut-off Marks for Provisional Selection</i>
<i>GT</i>	<i>105</i>
<i>GT W</i>	<i>105</i>
<i>BC</i>	<i>104</i>
<i>BC W</i>	<i>104</i>
<i>MBC/DNC</i>	<i>104</i>
<i>MBC/DNC W</i>	<i>104</i>

6. Likewise, the cut-off marks for PSTM and Women PSTM candidates for the subject of Mathematics are as follows:-

<i>Communal Turn</i>	<i>Minimum Cut-off Marks for Provisional Selection</i>
<i>GT</i>	<i>92</i>
<i>GT W T</i>	<i>91</i>
<i>BC T</i>	<i>83</i>
<i>BC W T</i>	<i>83</i>
<i>MBC/DNC T</i>	<i>84</i>



<i>Communal Turn</i>	<i>Minimum Cut-off Marks for Provisional Selection</i>
<i>MBC/DNC W T</i>	84

7. However, the petitioners secured only 75 marks under the PSTM category. Therefore, they did not reach the minimum cut-off marks for provisional selection and, as such, were not selected for the post of PG Assistant in Mathematics. Further, out of the reserved provisional selection list dated 13.10.2022, a total of 20 posts in Mathematics remained unfilled due to non-joining of candidates for various reasons, of which only 4 posts belonged to the PSTM reservation.

8. As per the communal turn, GT (PSTM) has 1 post, GT Women PSTM has 2 posts, and SC Women PSTM has 1 post. Since both petitioners belong to BC and MBC/DNC categories, they fall outside the zone of consideration. Additionally, 18 candidates (9 from BC and 9 from MBC) secured higher marks than the petitioners. The marks obtained by other candidates from these two communities are as follows:-

MBC/DNC (PSTM) candidates scored higher marks than the petitioner in the merit list for mathematics.



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Sl. No	Roll No.	Name	Date of Birth	Sex	Community	PWD	Differently Abled	PSTM	SGT	Marks
1	21PG0804156089	GOPALAKRISHNAN. P	20.03.1987	M	MBC (V)	No	0	Yes	No	84.080461
2	21PG0836230470	VIJAYAN. M	12.03.1988	M	MBC (V)	No	0	Yes	No	84.080461
3	21PG0822195086	LAVANYA.K	01.06.1988	F	MBC (V)	No	0	Yes	No	83.777772
4	21PG0822193564	V.MARIAPPAN	11.06.1985	M	MBC (V)	No	0	Yes	No	82.556597
5	21PG0836229747	PALANI. M	28.03.1988	M	MBC (V)	No	0	Yes	No	81.335422
6	21PG0805162360	VENKATESAPERUMAL. M	05.05.1988	M	MBC (V)	No	0	Yes	No	81.335422
7	21PG0823203123	TAMIL KODI. B	04.06.1993	F	MBC/DN C	No	0	Yes	No	78.02689
8	21PG0836229491	S.SUMATHI	20.05.1979	F	MBC (V)	No	0	Yes	No	76.885833
9	21PG0825206154	THILAGAVATHY.M	03.06.1979	F	MBC/DN C	No	0	Yes	No	75.85704

BC (PSTM) candidates scored higher marks than the petitioner in the merit list for mathematics.

Sl. No	Roll No.	Name	Date of Birth	Sex	Community	PWD	Differently Abled	PSTM	SGT	Marks
1	21PG0804161528	GOBINATH.J	08.04.1983	M	BC	No	0	Yes	No	81.053676
2	21PG0812179035	PRISCA.J	28.01.1997	F	BC	No	0	Yes	No	81.053676
3	21PG0836233132	REVATHI.C	20.07.1984	F	BC	No	0	Yes	No	80.044747
4	21PG0805162261	RAJAN.M	27.01.1985	M	BC	Yes	Catagory III	Yes	No	80.044747
5	21PG0810173471	UTHAMAN.R	05.06.1983	M	BC	No	0	Yes	No	79.972213
6	21PG0802149256	RAGHURAM D.G	12.06.1989	M	BC	No	0	Yes	No	79.035819
7	21PG0804157717	ARUNAGIRI.S	09.06.1982	M	BC	No	0	Yes	No	78.02689



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<i>Sl. No</i>	<i>Roll No.</i>	<i>Name</i>	<i>Date of Birth</i>	<i>Sex</i>	<i>Community</i>	<i>PWD</i>	<i>Differently Abled</i>	<i>PSTM</i>	<i>SGT</i>	<i>Marks</i>
8	21PG083 6231568	KADHIRVEL.P	07.04. 1989	M	BC	No	0	Yes	No	77.91462 7
9	21PG081 1176208	AMBIKAIS	31.05. 1989	F	BC	No	0	Yes	No	76.88583 3

9. Since the other candidates secured higher marks than the petitioners, the candidatures of the petitioners cannot be considered for the post of PG Assistant in Mathematics.

10. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent. Therefore, the Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

24.07.2024

Index:Yes/No
Neutral Citation/Yes/No
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To
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1. The Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai – 600 009.
2. The Member Secretary,
Teacher Recruitment Board,
3rd and 4th Floor,
Puratchi Thalaivar Dr. M.G.R.Centenary Building,
DPI Campus, College Road,
Chennai – 600006.
3. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.



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G.K.ILANTHIRAIYAN, J.

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