



WEB COPY



W.P.No.25228 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

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

W.P.No.25228 of 2022
and W.M.P.Nos.24179 & 24180 of 2022

1. S.Dhinakaran
2. D. Harish

... Petitioners

-Vs -

1. Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd and 4th Floor,
Puratchi Thalaivar Dr.MGR
Centenary Building,
DPI Campus, College Road,
Chennai – 600 006.

2. The Commissioner of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to select the petitioners against unfilled two seats under the 10% quota available for the secondary grade teachers for the post of PG Assistant in History pursuant to Notification No.1/2021 dated 09.09.2021 based on the marks secured by the petitioners in the written exam conducted by the first respondent pursuant to Notification No.1/2021 dated 09.09.2021.



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For Petitioners : Ms.C.Uma
For Respondents
For R1 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan
Standing Counsel
For R2 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for directions, directing the first respondent to select the petitioners against unfilled two seats under the 10% quota available for the secondary grade teachers for the post of P.G. Assistant in History pursuant to Notification No.1/2021 dated 09.09.2021.

2. Both the petitioners are working as secondary grade teachers. They are qualified with the necessary qualification to be appointed as P.G. Assistant. While being so, the first respondent issued notification dated 09.09.2021, inviting applications from eligible candidates for direct recruitment to the post of P.G. Assistant for school education for the year 2020-2021. There are totally 121 vacancies in which, 10% quota is available for secondary grade teachers, as per the government order in G.O.(Ms.)No.110 School



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Education SE2(1) Department dated 26.05.2017. Therefore, for 10% quota out of 121 vacancies, there are 12 vacancies for the secondary grade teachers. Both the petitioners are coming under the Schedule Caste category. However, the first respondent selected only 10 candidates under the secondary grade teacher quota and the remaining two seats are lying vacant. Therefore, the petitioners submitted representation and the same was not considered by the respondents. Hence, the petitioners filed the present writ petition with the above said prayer.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter filed by the first respondent and on the submissions made by the learned Additional Advocate General appearing for the first respondent revealed that as per the notification under Clause 4 – reservation for secondary grade teachers in current vacancies it was stated that as per the government order in G.O.(Ms.)No.110, School Education SE2(1) Department dated 26.05.2017, 10% of the P.G. Assistant only in languages and academic



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subjects vacancies in school education department shall be reserved for qualified secondary grade teachers and other teachers with secondary grade scale of pay working in government higher secondary schools and other recognized government schools. There are 121 vacancies notified for the subject History in which 12 posts are reserved for secondary grade teachers category. The said availability has to be filled up with the following turn :-

Turn	No. of vacancy	SGT 10%
GT	20	2
GT T	5	1
GT WBC	8	1
BC	19	2
BC T	4	1
BC W	7	1
MBC/DNC	11	1
MBC/DNC W	6	1
SC	10	1
SC T	4	1
TOTAL	121	12

5. Both the petitioners are shortlisted under SC and BC category. Whereas the two posts, which were not filled up, falls under the category of BC Tamil and SC Tamil. Both the petitioners are not coming under the Tamil category. Therefore, they cannot be posted in



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the 10% reservation for secondary grade teacher. That apart, in case of non availability of particular category, it has to be filed by other suitable candidates in general category. Therefore, the directions sought for in this writ petition cannot be granted and the writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

15.07.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts

To

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