



W.P.No.25832 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.25832 of 2022
and W.M.P.Nos.24905, 24907 & 24908 of 2022

V.M.Divya

... Petitioner

-Vs -

1. The Commissioner,
Directorate of School Education,
DPI Campus,
17, College Road,
Subba Road Avenue,
Nungambakkam,
Chennai – 600 008.

2. The Chairman,
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar
Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent pertaining to the provisional selection list dated 16.09.2022 for the post of Post Graduate Assistants for Chemistry, which was uploaded in the second respondent's website on 17.09.2022, based on second respondent's advertisement dated 09.09.2021 in No.01/2021 for direct recruitment



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for the post of Post Graduate Assistants/Physical Education Directors Grade-I/Computer Instructor Grade I in school education and other department for the year 2020-2021, subsequently amended by way of amendment dated 27.08.2022 in 01D/2022 and quash the same and consequently direct the respondents to appoint the petitioner for the post of Post Graduate Assistant.

For Petitioner : Mr.J.Rajesh

For Respondents

For R1 : Mrs.S.Mythreye Chandru
Special Government Pleader

For R2 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan
Standing Counsel

ORDER

This writ petition has been filed challenging the provisional selection list published by the second respondent dated 16.09.2022 for the post of P.G. Assistant Chemistry.

2. The petitioner qualified with under graduate and post graduate degree in Chemistry and also completed her M.Ed. degree. She is working as secondary grade teacher from the year 2014 at Gudalur, Nilgiris District. While being so, the second respondent issued notification inviting applications for post of Post Graduate Assistants/



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Physical Education Directors Grade-I/Computer Instructor Grade-I in school education and other departments for the year 2020-2021.

3. As per the government order in G.O.(Ms.)No.110 School Education SE2(1) Department dated 26.05.2017, 10% of the post graduate assistant vacancies in school education department shall be reserved for qualified secondary grade teachers and other teachers with secondary grade scale of pay working in the government schools. The petitioner applied for the post of P.G. Assistant and obtained 85 marks in written the examination. Thereafter, the petitioner was called for certificate verification. However, in the provisional selection list, the petitioner name was not found. Hence, the petitioner filed the present writ petition with the above prayer.

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

5. On perusal of the counter filed by the second respondent and on the submissions made by the learned Additional Advocate General revealed that, there are 199 vacancies notified for the subject Chemistry, out of which, 19 posts were reserved for secondary grade teachers. Under Adidraavidar Welfare Department and Tribal Welfare



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Department, there is no post reserved under the secondary grade teacher category.

6. The petitioner has been shortlisted under BC women category and she does not belong to Person Studied in Tamil Medium (hereinafter referred to as "PSTM") category. Since there are no suitable candidates under BC Tamil and BC women Tamil category in secondary grade teacher quota, the said vacancies are filled by the respective open category of BC Tamil and BC women Tamil. Further the minimum cut-off marks for BC and BC women is 97 and the petitioner has secured only 85 marks.

7. Admittedly, the petitioner has not studied in Tamil Medium as such, she cannot be fit under PSTM category and the said vacancies were filled under open category of BC Tamil and BC women Tamil respectively. Therefore, the petitioner does not fall under the zone of selection cut-off and she was not considered for the post of P.G. Assistant in the Chemistry department. This Court finds no infirmity or illegality in the provisional selection list issued by the second respondent and the writ petition is devoid of merits and liable to be dismissed.



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WEB COPY 8. Accordingly, the Writ Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

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

rts

To

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WEB COPY



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