



W.P.(MD).No.20061 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20061 of 2021

and

W.M.P.(MD)No.16765 of 2021

C.Ahila

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Secretariat,
Chennai-600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the 2nd respondent pertaining to its proceedings bearing

ந.க. எண் : 3126/இ6/2021 dated 08.10.2021 and to quash the same and consequently direct the respondents to appoint the petitioner (Roll No.



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19PG052602904) as PG Assistant in the subject of Chemistry vacancy arose due to non-joining of 2 candidates under the Selection Turn of BC(W) and BC forthwith.

For Petitioner : Mr.S.C.Herold Singh

For R-1 : Mr.P.T.Thiraviyam,
Government Advocate

For R-2 : Mr.V.R.Shanmuganathan

ORDER

This writ petition has been filed to call for the records on the files of the 2nd respondent pertaining to its proceedings bearing ந.க. எண் : 3126/இ6/2021 dated 08.10.2021 and to quash the same and consequently direct the respondents to appoint the petitioner (Roll No.19PG052602904) as PG Assistant in the subject of Chemistry vacancy which arose due to non-joining of two candidates under the selection turn of BC(W) and BC forthwith.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner applied for the post of Chemistry PG Assistant, pursuant to the notification of the 2nd respondent by its notification No.10 of 2019 dated 12.06.2019 to fill up various posts including 356 posts for the subject Chemistry PG Assistant vacancies. The petitioner was permitted to attend the written examination and she scored 87 marks out of 150 marks which is within the zone of consideration, following which, she was called for certificate verification. After certificate verification, the provisional list of selected candidates came to be published on 20.11.2019 wherein the petitioner was accommodated in Rank No.210. Of the 356 vacancies, the 2nd respondent selected 329 candidates, keeping the other posts vacant, as that there is no other eligible candidate, without considering the petitioner's candidature. Hence, the petitioner filed a writ petition in W.P.(MD)No.6837 of 2021 before this Court and this Court had passed an order on 25.03.2021, directing the respondents to consider the petitioner's representation and pass appropriate orders within a period of twelve (12) weeks. Since the same was not considered, a contempt petition in Cont P(MD)No. 1137 of 2021 came to be filed by the petitioner. Pursuant to the same, a rejection order, rejecting the petitioner's claim came to be passed on 08.10.2021 by the 2nd respondent. Challenging the same, the



present writ petition came to be filed.

3. The learned counsel appearing for the petitioner submitted that, the impugned order came to be passed for the reason that the petitioner had scored 87 marks which is the cut off mark for selection and her candidature came to be rejected for the reason that another candidate who is senior by date of birth, had scored the same mark and hence, he was selected leaving out the petitioner. Further, the learned counsel for the petitioner pointed out that still there are vacancies, in view of the same, the petitioner ought to have been accommodated rather rejecting her candidature and pressed for allowing the writ petition.

4. The learned Standing Counsel appearing for the 3rd respondent was directed to get specific instructions as to the details of the unfilled reserved vacancies pertaining to the selection process vide Notification No.10 of 2019 dated 12.06.2019 on 10.07.2024. The learned Standing Counsel placed the said instructions before me for my perusal, it has been informed by the member of the 2nd respondent board that out of 356 vacancies 319 vacancies were filled.



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As far as the remaining vacancies are concerned, 10 vacancies were reserved as per the orders of the Hon'ble Apex Court and another 24 vacancies were carried forward as backlog vacancies in the subsequent recruitment (notification No. 01D/2022 dated 27.08.2022). Interestingly, it is found that the balance three vacancies were notified as minority medium which remains unfilled. No doubt the term “minority medium” is unheard of.

5. It is the considered view of this Court that the instructions given by the member of the Teachers Recruitment Board seems to be evasive. As far as the balance three vacancies which are claimed to be notified in the category “minority medium”, such a category do not exist as per any prevailing law even in the notification. In view of the same, the impugned order passed by the 2nd respondent dated 08.10.2021 is hereby quashed. Consequently, the respondents are directed to appoint the petitioner as P.G. Assistant in the subject of Chemistry in one of the three vacancies which is remaining unfilled pertaining to the Notification No.10 of 2019 dated 12.06.2019 within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Government of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Secretariat,
Chennai-600 009.



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L.VICTORIA GOWRI, J.

Sml

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