



W.A.(MD)No.1597 of 2018

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 08.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.1597 of 2018  
and  
C.M.P(MD)No.11563 of 2018**

The Chairman,  
Teachers Recruitment Board,  
College Road, Chennai.

... Appellant / 1<sup>st</sup> Respondent

Vs.

1.S.Sabitha

... 1<sup>st</sup> Respondent / Writ Petitioner

2.The District Employment Officer,  
Theni District.

... 2<sup>nd</sup> Respondent / 2<sup>nd</sup> Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order dated 02.11.2016 made in W.P.(MD)No.4064 of 2011 by allowing this writ appeal.

For Appellant : Mr.V.R.Shanmuganathan

For Respondents : Mr.M.Siddharthan,  
Addl. Government Pleader for R2.



**W.A.(MD)No.1597 of 2018**

## **JUDGMENT**

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**(Judgment of the court was delivered by G.R.Swaminathan, J.)**

The first respondent herein enrolled herself with the Madurai District Employment Exchange on 31.05.1996. Her father is an ex-serviceman. The writ petitioner sought consideration under priority category (DPL). The writ petitioner's name was sponsored by the employment exchange for the post of B.T.Assistant (Tamil). The writ petitioner however was not selected. That led to the filing of W.P.(MD)No.4064 of 2011. The writ petition was allowed on 02.11.2016. Challenging the same, the Teachers Recruitment Board filed this intra-court appeal.

2.After hearing the learned counsel on either side, we are satisfied that the order impugned in this writ appeal has to be set aside for more reasons than one. The writ petition filed by the first respondent suffers from the vice of non-joinder of necessary parties. In a case of this nature, the aggrieved/non-selected candidate ought to implead the selected candidate or the person who would be displaced in the event of the writ petition being allowed. In the case on hand, the selected candidate was not impleaded. This is a fatal defect.



**W.A.(MD)No.1597 of 2018**

3. Apart from that, it has been convincingly established before us that as far as employment exchange seniority is concerned, no person junior to the writ petitioner has been selected. In the counter affidavit, it has been clearly stated that the last candidate selected under DEX priority category (General Turn Priority) was enrolled on 29.08.1990. On the other hand, the writ petitioner enrolled herself with the employment exchange only in the year 1996. Thus, there is no infraction of Article 14 of the Constitution of India.

4. The writ petitioner sought issuance of writ of mandamus for considering her case for selection. We are surprised to note that by the impugned order, the writ petitioner was directed to be selected and issued with appointment order. The order impugned in this writ appeal is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (R.P. J.)**  
**08.11.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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***W.A.(MD)No.1597 of 2018***

**G.R.SWAMINATHAN, J.**  
**and**  
**R.POORNIMA, J.**

ias

To:-

The District Employment Officer,  
Theni District.

**W.A.(MD)No.1597 of 2018**

**08.11.2024**