



W.P.No.25182 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25182 of 2014

and

M.P.No.1 of 2014

and

W.M.P.No.18269 of 2017

T.Ezhilarasi

... Petitioner

Vs.

The Member Secretary,
Government of Tamilnadu,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondent herein to allot a seat to petitioner under general turn (GT) or backward class (BC) category reserved for Ex-serviceman and Ex-serviceman (Tamil) quota as denoted in Clause-1.B of the Notification/Advertisement bearing No.6 of 2014 dated 21.08.2014 for the post of Secondary Grade Teacher, if I am otherwise qualified for the said post.



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For Petitioner : M/s.D.Kamatchi

For Respondent : Mr.C.Kathiravan
Standing Counsel

ORDER

The present writ petition has been filed by the petitioner seeking a writ of mandamus to direct the respondent herein to allot a seat to the petitioner under general turn (GT) or backward class (BC) category reserved for Ex-Serviceman and Ex-Serviceman (Tamil) quota as denoted in Clause-1.B of the Notification / Advertisement bearing No.6 of 2014 dated 21.08.2014 for the post of Secondary Grade Teacher, if she is otherwise qualified for the said post.

2. The Respondent Board had issued a Notification / Advertisement bearing No.6/2014 dated 21.08.2014 for 'Direct Recruitment' for the post of Secondary Grade Teachers from the candidates who have been qualified in TET Paper-I Examination conducted in the year 2012-2013.



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3. The learned counsel for the petitioner submitted that the petitioner's father was an Ex-Serviceman and the petitioner was issued with Certificate of Dependency of Ex-Serviceman dated 30.01.2009 by the Assistant Director of Ex-Servicemen's Welfare, Thiruchirappalli – 620 001. Therefore, it is stated that the petitioner is eligible to have a seat under the Ex-Servicemen Reservation Quota in the aforesaid recruitment.

4. It is submitted that though the subject recruitment notification contemplates reservation for 36 Ex-Servicemen and 8 Ex-Servicemen (Tamil), the post of Secondary Grade Teachers has not been filled up under the aforesaid quota pursuant to the recruitment notification. It is submitted that the Respondent Board ought to have reserved seats for the dependants of Ex-Servicemen as well in the recruitment to the post of Secondary Grade Teachers.

5. The learned counsel for the petitioner further submit that these



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vacancies reserved for Ex-serviceman never gets filled up as very miniscule percentage of the Ex-serviceman are able to apply to the post of a Teacher in Recruitment Notification and therefore the reservation/quota prescribed in the advertisement notification has to be extended to the dependents of Ex-serviceman as that would subserve the purpose for which the Recruitment Notification was issued by reserving the post for Ex-serviceman and Ex-serviceman (Tamil) quota.

6. On the other hand, the learned Standing Counsel for the respondent submitted that the Certificate of Dependency of Ex-Serviceman is relevant only for the candidates who apply through Employment Exchange Office. He further submitted that the recruitment notification issued by the Respondent Board is not a subject matter of challenge in this writ petition. It is therefore submitted there cannot be any deviation in the recruitment process.

7. That apart, the learned counsel for the respondent drew the attention of this Court to **G.O.Ms.No.18, P & AR (S) Department dated 22.01.2007**, wherein, Rule 22 of the General Rules for the Tamil



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Nadu State and Subordinate Services was amended by providing reservation of 5% vacancies for Ex-Servicemen in Group-C posts in State Government Service. The amendment of Rule 22 of the General Rules for the Tamil Nadu State and Subordinate Services in said G.O. clearly indicates that the reservation of 5% vacancies is meant for Ex-Servicemen only and not to their dependants.

8. I have considered the arguments advanced by the learned counsel on either side.

9. It is relevant to refer to Rule 22 of Tamil Nadu State and Subordinate Services Rules which reads as under:-

"22. Reservation of Appointments -

"(ab) Out of the total number of appointments reserved in the categories referred to in clause (a), in the case of appointment made by direct recruitment to Group 'C' posts, five percent in each such category shall be reserved for Ex-servicemen and subject to availability of such candidates, the appointment shall be made in turn and in the order of rotation as specified in SCHEDULE III-B to this Part:

" Provided that if no qualified and suitable Ex-serviceman belonging to a particular category is available for selection for appointment against the reserved turn, such turn shall be filled up by a candidate other than an Exserviceman but belonging to the particular category and if no such candidates is available even in that category for selection for appointment against the reserved turn, such turn shall be carried forward as provided in clause (d).



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(Inserted vide G.O.Ms.No.18, P.&A.R.(S) Dept. dated 22.1.2007)"

10. The Respondent Board has recognised that the dependants of Ex-Servicemen will be entitled for preferential treatment in the matter of employment as is evident from the Certificate of Dependency of Ex-Serviceman dated 30.01.2009 issued to the petitioner. As per Certificate of Dependency of Ex-Serviceman dated 30.01.2009, the Assistant Director of Ex-Servicemen's Welfare, Tiruchirappalli has recorded that the petitioner is eligible for priority under Group II (I) for employment only through the Employment Exchange Office in accordance with **G.O.Ms.No.1161 Personnel and Administrative Reforms (Personnel-R) Department dated 22.11.1984.**

11. In my view, the petitioner cannot claim any special reservation or priority quota merely because the petitioner is a dependent of an Ex-serviceman/woman. The petitioner has also not been able to show any prejudice has been caused to her because she was a dependent of an Ex-serviceman.



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12. In my view, the reservation meant for Ex-servicemen/women is intended to recruit them provided they possess requisite qualification, as sometimes, their services get short circuited on account of various factors, such as health, injury etc., while in service in the Defence Establishment, namely Army, Navy and Airforce. Therefore, to encourage them to work in the civil side, such reservations have been provided for the Ex-servicemen/women.

13. Even otherwise, the children/dependents of Ex-servicemen/women are given the same treatment as compared to their counter part, if not better treatment than to the children/dependent from the Civil Society. There cannot be a Writ of Mandamus, as there is no right conferred on the petitioner for the prayer sought for in this Writ Petition. Therefore, I am unable to come to the rescue of the petitioner

14. The petitioner has to either file a PIL through a proper Association representing the interest of the dependents of Ex-servicemen/women for appropriate remedy, for a direction to the



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Government to consider the plight of dependents of Ex-serviceman or in the alternative the petitioner ought to have filed a writ petition challenging the Recruitment Notification/Advertisement bearing No.6 of 2014 dated 21.08.2014 on any of the grounds that may have been available to the petitioner. That apart, due to efflux of time, as the recruitment in the aforesaid Recruitment Notification would have also been completed and subsequent notifications would have also been issued against the vacancies that would have arisen during the succeeding years.

15. In view of the above discussion, this Writ Petition is liable to be dismissed. This Writ Petition is accordingly dismissed with liberty to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.03.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order



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Neutral Citation : Yes/No
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To

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C.SARAVANAN, J.

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