



W.P.No.20251 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.20251 of 2020

and

W.M.P.Nos.25040 & 25043 of 2020 and 1657 of 2021

1.P.Radhika
2.K.Elavarasi
3.A.Mahalakshmi
4.R.Devi

...Petitioners

-Vs-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a direction in the nature of Writ of Certiorarified



W.P.No.20251 of 2020

Mandamus, to call for the records relating to the impugned provisional selection list issued by the 3rd respondent in No.Nil dated 18.12.2020 and to quash the same in so far as exclusion of names of the petitioners from the selection list to the post of P.G.Assistant (Chemistry) under BC category is concerned and consequently directing the respondents to operate the original provisional selection list dated 20.11.2019 issued by the 3rd respondent, by withholding 10 seats at the bottom of the list, as directed as per the orders passed by the Hon'ble Supreme Court of India in Civil Appeal Nos.3745 to 3754 of 2020 dated 03.12.2020 and to grant posting/appointment to the petitioners under BC category for the post of P.G.Assistant (Chemistry) and to pass such further orders.

For Petitioners : Mr.S.Nedunchezhiyan

For R1 & R2 : Mr.T.M.Rajangam,
Government Advocate

For R3 : Mr.K.Sathish Kumar

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned provisional selection list issued by the 3rd respondent in No.Nil dated 18.12.2020 and to quash the same in so far as exclusion of names of the petitioners from the selection list to the post of P.G.Assistant (Chemistry) under BC category is concerned and consequently directing the respondents to operate the original

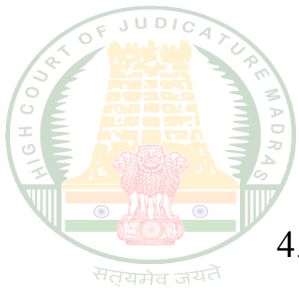


W.P.No.20251 of 2020

provisional selection list dated 20.11.2019 issued by the 3rd respondent, by withholding 10 seats at the bottom of the list, as directed as per the orders passed by the Hon'ble Supreme Court of India in Civil Appeal Nos.3745 to 3754 of 2020 dated 03.12.2020 and to grant posting/appointment to the petitioners under BC category for the post of P.G.Assistant (Chemistry).

2. Learned counsel appearing for the petitioners would submit that the 3rd Respondent TRB issued Notification No.10/2019 dated 12.06.2019 inviting applications for direct recruitment to the post of P.G.Assistant/ Physical Education Director Grade-1 in School Education and other departments for the year 2018-19 in which backlog vacancies and current vacancies have been separately notified in respect of the School Education Department in the TRB Notification dated 12.06.2019.

3. As per the Notification, 215 vacancies have been notified for current vacancies and 121 vacancies have been notified for backlog vacancies for the post of P.G.Assistant (Chemistry). Out of 215 vacancies relating to current vacancies, 64 vacancies have been notified for Backward Class (BC) in different categories.



W.P.No.20251 of 2020

4. The Petitioners have submitted applications and participated in the selection as well as cleared the examination. Based on merit in selection, the Petitioners have been included in the provisional selection list under BC category dated 20.11.2019. However, the selection list was put to challenge by some of the unsuccessful MBC candidates who were not selected, and it culminated in orders passed in W.P.No.34099 of 2019 etc., cases dated 09.01.2020 with directions to prepare fresh provisional selection list for the post of P.G.Assistant (Chemistry) by arriving at the list of candidates under General Turn on merits and thereafter proceeding to prepare a community quota based on the marks fixed for that community.

5. Aggrieved over the same, Writ Appeals came to be filed in W.A.No.419 of 2020 and 421 to 429 of 2020 wherein this Court passed orders on 19.03.2020 by holding that it is not necessary to fill up the backlog vacancies by placing high meritorious candidates of the same category by pulling them down from the open category / General Turn and accordingly dismissed the Writ Appeals.

6. The Petitioners herein have also preferred Writ Appeal along with others in W.A.No.420 of 2020 but the same was dismissed as withdrawn with



W.P.No.20251 of 2020

liberty, since the Petitioners belong to BC category and they are already included in the merit list as on date and in the absence of any adverse order against them, they cannot be aggrieved. Thereafter, the State Government preferred Appeal before the Hon'ble Supreme Court of India, taken on file in Civil Appeal Nos.3745 to 3754 of 2020, wherein an order of Interim Stay was granted against the impugned judgments along with directions to permit the provisional selection list to be operated by keeping 10 seats at the bottom of the list and not filling them up in view of there being 10 aggrieved Respondents in the Civil Appeals, which would be abided by the judgment to be delivered.

7. While so, the 3rd respondent proceeded to issue a separate revised provisional selection list on 18.12.2020 by recasting the earlier provisional selection list dated 20.11.2019 by which the names of the Petitioners under BC category who are in the middle of the selection list (Sl.Nos.224, 214, 217 & 221) have been removed from the selection list, and thereby they are sought to be deprived of their selection. Aggrieved over the same, the Petitioners have filed the present Writ Petition.

8. A counter affidavit was filed on behalf of the third respondent dated



W.P.No.20251 of 2020

11.01.2021.

WEB COPY

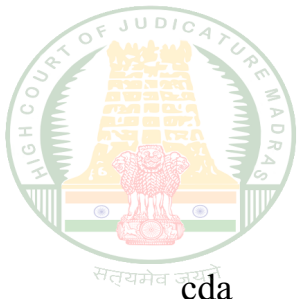
9. Learned standing counsel appearing for the third respondent (TRB) submitted a copy of the judgment of the Hon'ble Supreme Court of India in the case of **The State of Tamil Nadu & Ors. Vs. K.Shobana etc.**, in **Civil Appeal Nos.3745 to 3754 of 2020**, which dealt with the issue in the present writ petition and the relevant portion is extracted hereunder:

“28. We may also note that the manner of filling up the seats has been well enunciated in the judgment in K.R. Shanthi's case (supra) by the Madras High Court itself and appears to have been consistently followed. May be the peculiarity of the situation arising in Chemistry subject (which is in question) gives rise to this problem in the current year and such a problem had not apparently arisen earlier. In fact, there is no manner of doubt after the latest judgment of this Court in **Saurav Yadav & Ors.** case (supra) which again refers to the steps which have to be taken to fill in those vacancies. The steps are clear in their terms : in the given facts of the case, application of those principles or steps would imply:

- a) the general merit list to be first filled in;
- b) the backlog vacancies of the particular reserved category to be thereafter filled in "first"; and
- c) the remaining reserved vacancies for the current year to be filled thereafter.”

In view of the above ratio laid down by the Hon'ble Supreme Court of India, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.



W.P.No.20251 of 2020

10.01.2025

cda

WEB COPY

Index : Yes/No

Speaking/Non Speaking order

To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

J.SATHYA NARAYANA PRASAD, J.

cda



WEB COPY



W.P.No.20251 of 2020

W.P.No.20251 of 2020

10.01.2025