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W.P.No.31396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.31396 of 2023

and

WMP.No.31013 of 2023

N.Packiarajan

.... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Welfare of Differently Aabled Persons (DAP 3.2) Department,
Fort St.George, Chennai - 600 009.

2. The Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr.MGR
Centenary Building, DPI Campus, College Road,
Chennai - 600 006

3. The Director, Directorate of School Education,
School Education Department.
DPI Campus, College Road,
Chennai - 600 006

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for



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the issuance of Writ of Mandamus, directing the 2nd respondent to include the name of the petitioner who belongs to BC community and who has secured 80 marks in the written examination conducted by the 2nd respondent on 14.02.2022 in the Provisional Selection List dated 25.10.2022 for the post of PG Assistant in Geography pursuant to notification No. 01/2021 dated 09.09.2021 as amended by Notification No. 01D, dated 27.08.2022 in the vacancy reserved for BC category-4 of Persons with Bench Mark Disabilities and consequently direct the 3rd respondent to issue appointment order to the petitioner as PG Assistant in Geography in the School Education Department.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel for M/s.C.Uma.

For Respondents : Mr.R.U.Dinesh Kumar, AGP
for R.1.

: Mr.R.Siddharth, Standing Counsel
for R.2

: Mrs.S.Mythreye Chandru, Spl.GP
for R.3.

ORDER

This Writ Petition has been filed for a direction directing the 1st and the 2nd respondent to include the name of the petitioner, who belongs to BC Community and secured 80 marks in the written examination



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conducted by the 2nd respondent on 14.02.2022, in the Provisional Selection List dated 25.10.2022 for the post of PG Assistant in Geography pursuant to the notification No.01/2021 dated 27.08.2022 in the vacancy reserved for BC category -4.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner belongs to the Backward Class (BC) community. He completed his M.A. (Geography) from Periyar University, Salem, in Tamil Medium and subsequently acquired a B.Ed. degree. Thereafter, the 2nd respondent issued a notification inviting applications for the posts of PG Assistant/Physical Education Director Grade I/ Computer Instructor Grade I in the School Education Department for the year 2020-21. There were initially 2,207 vacancies, which were later increased to 3,236. Out



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of these, for the subject of Geography, there were initially 12 vacancies,

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which were subsequently increased to 19.

4. The petitioner applied for the post of PG Assistant (Geography) and scored 80 marks out of 149 in the written examination. He was thereafter called for certificate verification. However, the petitioner was not selected under the BC category. According to the petitioner, the post reserved under BC Category 4 was not filled due to the non-availability of an eligible candidate. Consequently, the petitioner submitted a representation requesting that the said post be filled by him, as he scored 80 marks and was next in line after the candidate selected under the BC category.

5. Mrs.Nalini Chidambaram, learned Senior Counsel for the



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petitioner submitted that even as per the counter filed by the 2nd respondent, as there is no eligible candidate available under BC CAT 4 CV Post, the Board has duly filled the eligible candidates in the notified vacancy for the subject Geography under BC category. Since the petitioner is next to the person selected under the BC category, he is eligible to be appointed under BC CAT 4 CV.

6. On perusal of the counter affidavit filed by the 2nd respondent, it is revealed that vacancy under the BC CAT 4 is reserved for persons with disabilities. Four Percent reservation for Differently Abled shall be provided for the different categories of the differently Abled Persons as per G.O.(Ms).No.20, Welfare of Differently Abled Persons (DAP.3.2) Department dated 20.06.2018. Therefore, as per Section 34 of the Rights of Persons with Disabilities Act, 2016, when a current year vacancy under the disability category is not filled due to the non-availability of an



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eligible candidate from that category, it shall be carried forward to the

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next recruitment year as a backlog vacancy. The relevant portion of

Section 34 of the Rights of Persons with Disabilities Act, 2016 is

extracted hereunder as follows:-

“Sec. 34.... (2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:



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Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.”

7. Thus, it is clear that the vacancy reserved for candidates under the BC-4 category, being a current year vacancy for the 2020–2021 recruitment, cannot be filled by candidates from other categories and must be carried forward to the next recruitment year as a backlog vacancy. Further, the petitioner has scored 80 marks, whereas the eligible cut-off mark for the BC category, as per the provisional selection list for the subject of Geography, was 81. Since the petitioner has secured only 80 marks, he has not met the eligibility cut-off. Therefore, the candidature of the petitioner cannot be considered for selection to the post of PG Assistant (Geography).



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8. In view of the above, the request made by the petitioner cannot be considered. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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G.K.ILANTHIRAIYAN, J.

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