



W.A.MD) No.1225 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A(MD)No.1225 of 2019

S.Janathipathi

... Appellant/Petitioner

-Vs-

1.State of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Secretariat,
Chennai-9.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound,
College Road,
Chennai-6.

3.S.Balan
4.S.Sangeetha

...Respondents/
Respondents



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PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, against the order dated 14.08.2019 made in W.P(MD)No.17457 of 2014 passed by this Court.

For Appellant	: Mr.A.John Vincent
For R1	: Mr.S.Vinodh
For R2	: Mr.VR.Shanmuganathan
For R3 & R4	: No appearance

JUDGMENT

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

The petitioner was lost his writ petition seeking Certiorarified Mandamus to quash the Memo No.2579/A3/2013 dated 20.10.2014 and consequential direction to the second respondent to issue call letter for the selection of P.G Assistant Political Science, in the School Education Department under Most Backward Community quota.

2.The sum and substance of the writ petition is that the appellant, who possessed all requisite qualifications to be appointed as P.G, Assistant in the School Education Department, applied for the said post pursuant to the advertisement dated 09.05.2013, placed by the Teachers Recruitment Board inviting applications for the direct recruitment to the post of P.G, Assistant. As per



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the said Notification, there was only one vacancy in Political Science Department and reserved for Most Backward Community. Having secured 68 marks in the examination, he expected to receive call letter, but the second respondent did not issue call letter to him, whereas appointing the private respondents 3 and 4 to the post of P.G, Assistant(Political Science).

3.The State through Secretary, School Education and the Chairman, Teachers Recruitment Board contested the writ petition stating that for the year 2012 - 2013 Notification was issued inviting applications for the eligible candidate to fulfil around 2881 posts of P.G, Assistant in the School Education Department. In the said Notification, one vacancy in the Political Science subject reserved for MBC was notified. During the process of selection, request from Chennai Corporation, Director of Backward Classes and Most Backward Classes Welfare Department intimating one vacancy in each of the Department was made, since, as per roster, the subsequent vacancy was General Turn, by one of *addende* to the earlier Notification, two vacancies in the Department of Political Science in the General Turn was notified. As per the Recruitment Board, the candidate from MBC Community has to secure 50% of the mark in the written examination, which is 75 out of 150. The writ petitioner herein secured only 63 marks and therefore, he was not eligible for further consideration. The two other candidates,

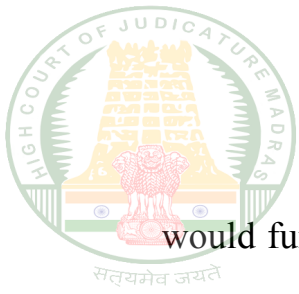


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who are arrayed as respondents 3 and 4 belong to BC and SC Community respectively and they were selected under General Turn(GT) and they have secured 75 marks and 68 marks respectively in the written examination.

4.Considering the submission, the learned single Judge dismissed the writ petition holding that for the vacancy in the year 2012 - 2013, the Notification dated 09.05.2013, identified only one vacancy in Political Science and the post meant for MBC candidate. The respondents 3 and 4 were appointed under GT/fully vacant after 09.05.2013. But before the completion of the recruitment, their applications were pursuant to *addende* issued notifying the additional vacancy. The learned single Judge has pointed out that non-consideration of the writ petitioner's application on the ground that he is not secured minimum required marks and the respondents 3 and 4 were appointed since they have secured higher marks than the writ petitioner and the present writ petition seeking appointment after 5 ½ years is not sustainable.

5.The learned counsel appearing for the appellant made strenuous attempt to impress upon the Court that there was no cut-off criteria subsequently mentioned in the Notification and in the previous year, the candidates belonging to MBC Community securing 50% were called for certificate verification. He



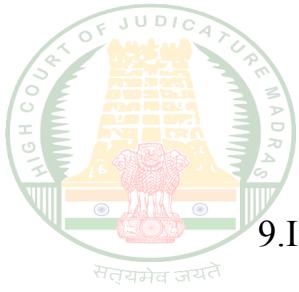
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would further submit that there is no explanation from the State how the vacancy of one post in Political Science meant for MBC filled.

6.The learned counsel appearing for Teachers Recruitment Board would submit that one post in Political Science reserved for MBC was carried forward for the subsequent Notification and the same was filled up in the year 2017 - 2018.

7.This Court, on considering the facts placed before us, finds that the appointment of the respondents 3 and 4 is under General Turn and they have secured more marks than the writ petitioner herein. Even if there is no cut-off marks mentioned in the Notification, the writ petitioner is not eligible as a matter of right to get appointment, ahead of the respondents 3 and 4, who have secured more marks than the writ petitioner/appellant.

8.That apart, his claim that MBC quota filled up by non MBC candidate is a false ground and that the respondents 3 and 4 were appointed not in the place of MBC candidate, but in the place of General Turn as per the roster. The vacancy notified in the year 2013 for MBC candidate appears to have been carried forward subsequently filled up from among the candidates of MBC.



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9.In view of the aforesaid observations, the writ appeal stands dismissed.

No order as to costs.

[G.J., J.] & [R.P., J.]

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NCC : Yes / No

Index : Yes / No

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