



W.A(MD) No.396 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 12.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) No.396 of 2023
and
C.M.P.(MD)No.4292 of 2023

M.Suganya

... Appellant / Writ Petitioner

Vs.

The Chief Educational Officer,
Virudhunagar District,
Virudhunagar-626 002.

... Respondent / Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow the writ appeal and set aside the order passed by this Court in W.P.(MD)No.10486 of 2019, dated 16.08.2022.

For Appellant : Mr.D.Selvanayagam

For Respondent : Mr.C.Venkateshkumar
Special Government Pleader



W.A(MD) No.396 of 2023

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant is an aspirant for the post of lab assistant in the School Education Department in Virudhunagar District. The appellant belongs to SC (General). She was however not selected. Even though the appellant had secured 123 marks, she was not selected because the cut off marks for SC (General) was 124. The appellant called upon the department to appoint her against the vacancy meant for SC (A). It was pointed out by the appellant that one SC (A) vacancy remains unfilled. The appellant's request was however rejected by the Chief Educational Officer, Virudhunagar District vide order dated 22.04.2015. Challenging the same, the appellant filed W.P.(MD)No.10486 of 2019. The learned single Judge dismissed the writ petition on the ground that the appellant did not score the requisite cut off mark meant for SC (General) category. Aggrieved by the said order, this writ appeal has been filed.



W.A(MD) No.396 of 2023

WEB COPY

3. The learned Special Government Pleader concedes that one vacancy in the Special Reservation for Arunthathiyar was not filled up for want of available candidates from the Aurnthathiyar Community.

4. Our attention is drawn to Section 27(a) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The said proviso reads as follows:-

“27. Where the special rules lay down that the principle of reservation of appointments shall apply to any service, class or category, selection for appointment thereto shall be made on the following basis:

—
(a) The unit of selection for appointment, for the purpose of this section, shall be two hundred, of which thirty six shall be reserved for the Scheduled Castes including six offered to Arunthathiyars on preferential basis amongst the Scheduled Castes, two for the Scheduled Tribes, fifty three for the Backward Classes (other than Backward Class Muslims, Most Backward Classes and Denotified Communities), seven for the Backward Class Muslims, forty for the Most Backward Classes and the Denotified Communities and sixty two shall be filled on the basis of merit:

Provided that if even after filling up of the required appointments or posts reserved for Arunthathiyars amongst the Scheduled Castes in Schedule-V, if more number of qualified Arunthathiyars are available, such excess number of candidates of Arunthathiyars shall be entitled to compete with the other Scheduled Castes in the inter-se-merit among



W.A(MD) No.396 of 2023

them and if any appointment or post reserved for Arunthathiyars remain unfilled for want of adequate number of qualified candidates, it shall be filled up by Scheduled Castes other than Arunthathiyars.”

5. In our view, this proviso will come to the appellant's rescue. In this view of the matter, the order impugned in the writ petition as well as the order impugned in the writ appeal are set aside. The respondent is directed to appoint the appellant as Lab Assistant in the School Education Department. It is stated that subsequent to the recruitment process held in 2015, no fresh applications had been called for. Therefore, the appellant can very well be accommodated as against SC (A) vacancy. Such an appointment shall be issued to the respondent within a period of eight weeks from the date of receipt of a copy of this order. The appellant's seniority as well as monetary benefits will be reckoned from the date of her appointment. The Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
12.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi



W.A(MD) No.396 of 2023

WEB COPY

To
The Chief Educational Officer,
Virudhunagar District,
Virudhunagar-626 002.



WEB COPY



W.A(MD) No.396 of 2023

G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

rmi

W.A(MD) No.396 of 2023

12.08.2025