WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.DILIP KUMAR

WP(MD) No. 20117 of 2017
and
WMP(MD)Nos.16410 & 16411 of 2017

CNR:{HCMD011226442017}

R. Ravikumar

..Petitioner(s)

Vs

1. The Director of School Education
   Chennai.

2. The Joint Director of School Education
   Chennai.

3. The Chief Educational Officer
   Tirunelveli,
   Tirunelveli District.

4. I.Chandrasekar

5. V.Muthulakshmi

6. L.Sahayarigiasha

7. R.Chithra

8. P.Gomathy

9. R.Packialakshmi

10. M.Sankarammal

..Respondent(s)

https://www.mhc.tn.gov.in/judis

WEB COPY

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to provisional selection list published on 14.04.2017 for the post of Laboratory Assistant by the 3rd respondent and quash the same in so far as the respondents 4 to 10 are concerned and direct the respondents 1 to 3 to appoint the petitioner as Laboratory Assistant with all consequential benefits.

For Petitioner(s): M/s. V.Panneer Selvam

For Respondent(s): Mr. G. Sailendra Babu
Government Advocate (civil side)
for R1 to R3

Mr. B. Karuppasamy
for R4 (No appearance)

Mr. K. Shankaravyasan
for R9 (No appearance)

R5 to R8 and R10 (No appearance)

ORDER

This writ petition is filed challenging the provisional selection list published on 14th April 2017, to fill up the vacancies in the post of Laboratory Assistant by the 3rd respondent insofar as the selection of the respondents 4 to 10 is concerned and for a consequential direction to the official respondents 1 to 3 to appoint the writ petitioner to the post of Laboratory Assistant with all consequential benefits.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. Heard Mr. V. Panneer Selvam, learned counsel appearing for the writ petitioner and Mr. G. Sailendra Babu, learned counsel, appearing for the respondents 1-3. None appears for the respondents 4 to 10.

3. It is submitted on the side of the petitioner that the writ petitioner possesses the eligible qualifications for the post of Laboratory Assistant in the School Education Department. As many as 108 vacancies were notified to be filled up by following the reservation under the 200 point roster by the department.

4. The writ petitioner claims to be belonging to the MBC community and is claiming the priority of being an orphan. This claim of status as an orphan is sought to be substantiated with the certificate dated 7th April 2010 issued by the Tahsildar of Sivagari taluk, and also an another certificate issued by the Revenue Divisional Officer dated 14th February 2012.

5. The grievance of the writ petitioner is that though he had secured more marks than the private respondents 4 to 10, they had been selected overlooking his candidature on the premise that they were accommodated because they belong to the priority category of Destitute Widow and to this extent, the impugned selection list overlooking the candidature of the writ petitioner is vitiated and bad in law. He accordingly prays for allowing the writ petition.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. Per contra, Mr. G. Sailendra Babu, learned Government Advocate would submit that both the writ petitioner and also the private respondents did possess the necessary qualifications for the post of Laboratory Assistant in the School Education Department. He would also admit that the petitioner had secured a total of 120 marks against the maximum eligibility, whereas the private respondents 4-10 had secured a total of 76, 76, 72, 72, 67, 66 and 64 marks and all of them belong to the MBC community.

7. He would submit that while the 4th respondent claimed priority as an Ex-Serviceman, the other respondents 5-10 claimed priority as Destitute Widows among MBC candidates. The department had accommodated them under the 200 point roster against Sl. Nos.86, 87, 91, 92, 100, 102 and 104. He would contend that the Government had duly followed G.O.Ms. No.188, Personnel and Administrative Reforms Department dated 28th December 1976. The writ petitioner belongs to the orphan category, which falls under Group III of the priority.

8. Since candidates under Group II i.e. Ex-Serviceman and Destitute Widows were very much available, the situation does not arouse at that stage to consider a candidate from the Group III priority of orphan and they had filled up all the vacancies with Group II category of Ex-Serviceman and Destitute Widow and this selection therefore cannot be

https://www.mhc.tn.gov.in/judis

WEB COPY

faulted with.

9. The learned counsel would also submit that the mere securing of more number of marks than the private respondents will not give any prerogative right to the writ petitioner to claim employment as a matter of right. The petitioner admittedly belongs to the Group III priority of orphan, whereas the private respondents belong to the Group II category of Ex-Servicemen and Destitute Widow and since the then prevailing *G.O.Ms.No.188 dated 28th December 1976* did not provide for considering a Group III priority category when Group II priority category candidates are available, the impugned selection of the private respondents cannot be faulted with.

10. He would also in his fairness bring to the notice of this Court that the Government had brought *G.O.Ms.No.122, Human Resources Management Department, dated 2nd November 2021* by introducing necessary changes in the manner of considering Group I, Group II and Group III, priorities and this was brought into effect only from 2nd November 2021 and therefore when there is no challenge to G.O.Ms.No.188, he would contend that the writ petition has to fail.

11. In reply, Mr. V. Panneer Selvam, learned counsel, appearing for the petitioner would submit that a combined reading of G.O.Ms.No.188 and G.O.Ms.No.122 does not indicate that there should

https://www.mhc.tn.gov.in/judis

WEB COPY

be any waterfall mechanism of filling up the vacancies between Group II and Group III category and in the absence of any such requirement prescribed in G.O.Ms.No.188, he would pray that the writ petitions has to be allowed.

12. He would also submit that if there are any other available vacancies in the post of Laboratory Assistant in any of the districts, the Department may be directed consider his candidature without disturbing the private respondents who are in employment, for nearly a decade. He accordingly prayed for allowing the writ petition by accommodating the writ petitioner, even without disturbing the private respondents.

13. The facts are not in dispute, both the writ petitioner and the private respondents belong to the MBC community. All of them claim the benefit of priority considerations. The 4th respondent claims priority as an Ex-Serviceman, the private respondents 5 to 10 claim priority as Destitute Widows and the writ petitioner claims priority as an orphan. The following of communal reservation by adopting the 200 point roster in the selection is also not in dispute.

14. The only query to be answered by this Court is whether a candidate in Group III priority can be considered only upon exhausting all the candidates falling under the Group II priority category. G.O.Ms.No.188 which then prevailed would state that the Government

https://www.mhc.tn.gov.in/judis

WEB COPY

had in super session of the earlier G.O.Ms.No.183 is bringing in G.O.Ms.No.188. It only indicates the different kinds of Groups like Group I covering Disabled Ex-servicemen, widow of Ex-Serviceman and group II covering Destitute Widows, Inter-caste married couple, Ex-Servicemen, legal heirs of Freedom Fighters, repatriates, members of the family whose lands were acquired, Differently Abled and; Group III comprises of orphans, persons freed from Bonded Labour System, Inmates and Ex-inmates of approved Schools and Vigilance Institutions and discharged Government employees and there is an another Group IV, which concerns persons who have served in Territorial Army for more than six months and retrenched employees of the census organization and the persons who have worked as Youth Services Corps volunteers.

15. The Government Order nowhere places any prescription that there will be a waterfall mechanism to be adopted that is to state that first, Group I priority will be considered and upon exhausting candidates from Group I, Group II will be considered and upon exhausting Group II, Group III will be considered and upon exhausting Group III, Group IV will be considered. In the absence of any such provision indicating that the priority of Group I should be preferred against Group II, the adoption of such models by the respondent authorities in the impugned selection is certainly bad in law.

https://www.mhc.tn.gov.in/judis

WEB COPY

16. The very fact that this was streamlined by the Government vide subsequent G.O.Ms.No.122, Human Resources Welfare Department dated 2nd November 2021, would indicate that this is an anomaly that was identified by the Government by providing for a cyclical order. In the absence of any categorical indication that there should be a following of a cyclical order or there should not be a following of a cyclical order, it would only indicate that the priority between Group I, Group II, Group III and Group IV should be appropriately considered and there should not be any denial of employment to a candidate falling under the later group priorities, merely because candidate from the previous priorities are much in abundance.

17. However, this Court is of the considered opinion that it may not be appropriate to this employee the private respondents 4 to 10 who are in employment since 2017. Today Mr. V. Sailendra Babu, learned counsel appearing for the respondent would inform this Court that there are as many as 28 vacancies even in the district of Tirunelveli, in the post of Laboratory Assistant.

18. Accordingly, the following order is passed:

(1) The prayer of the writ petitioner to set aside the provision selection list insofar as the selection of the respondents 4 to 10 is hereby rejected.

https://www.mhc.tn.gov.in/judis

WEB COPY

(2) The manner of filling up of the vacancy by the Government by not adopting a cyclical manner of filling up between Group I, group II, Group III and Group IV priorities is held as bad in law.

(3) The appointment and continuous employment of the respondents 4 to 10 shall not be disturbed with.

(4) The Second part of the relief sought for by the petitioner to employ him as a Laboratory Assistant in the available vacancy is granted.

(5) The respondents 1 to 3 are hereby directed to employ the petitioner in the post of Laboratory Assistant in any one of the available vacancies in the district of Tirunelveli and the said order of appointment shall be issued within a period of eight [8] weeks from the date of receipt of a copy of this order. The employment of the petitioner shall be reckoned from the date of his joining service.

26-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

psm

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Director of School Education
   Chennai.

2. The Joint Director of School Education
   Chennai.

3. The Chief Educational Officer
   Tirunelveli,
   Tirunelveli District.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.DILIP KUMAR, J.
psm

WP(MD) No. 20117 of2017

26-10-2026

https://www.mhc.tn.gov.in/judis