

(1984) 07 MAD CK 0052
In the Madras High Court

N.C. Sivagaminathan and Others

APPELLANT

Vs

Madras Metropolitan Development Authority and Others

RESPONDENT

Date of Decision : 12-07-1984

Acts Referred:

Citation : (1984) 2 MLJ 271

Hon'ble Judges : S. Natarajan, J

Bench : Single Bench

Judgement

S. Natarajan, J.—For allotment of houses built by the first respondent in the writ petition, a quota system was formulated in G.O. Ms. No. 631, Housing and Urban Development Department, dated 29-7-1981 subject to subsequent changes as per A.R. No. 202 dated 20-8-1981, and it is as follows:

- (i) for S.C. and S.T. ... 20%
- (ii) Employees for State Government and their undertakings ... 15%
- (iii) Employees of Central Government and their undertakings ... 5%
- (iv) General Public ... 60%

The writ petitioners who are State Government employees would contend that after allotment of 15% of the houses for employees of the State Government, the unsuccessful applicant must also be allowed to share the draw in the 60% quota reserved for the general public. Such a contention cannot be accepted. If there is no reservation quota under various categories, then every one can take his chance. But when there is a reservation quota, the employees of the State Government cannot contend that they are entitled to allotment of houses under 15% quota and such of those who are not successful should again be allowed to take their chances along with the members of the general public. The system of quota has been introduced in order to ensure allotment of houses to various categories. The principle underlying the reservation system will be defeated if persons failing in one category are allowed to stake their claims on the

reservation made under another category. The contention of the learned Counsel for the writ petitioners that the 15% quota reserved for the State Government employees must be construed as the floor limit and not the ceiling limit cannot be accepted. The interests of the general public also have to be taken into consideration. Therefore, the writ petitioners are not entitled to the interim injunction granted earlier being continued. Hence, the interim injunction granted earlier will stand vacated and W.M.P. No. 10774 of 1984 will stand allowed and the injunction petition, W.M.P. No. 5244 of 1984 will stand dismissed.