

(2012) 02 MAD CK 0039

In the Madras High Court

Case No : Writ Petition No. 48274 of 2006 (O.A.6538 of 2001)

T. Lalitha Rani

APPELLANT

Vs

State of Tamilnadu

RESPONDENT

Date of Decision : 21-02-2012

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 21, 309

Citation : (2012) 02 MAD CK 0039

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : A. Amalraj, for the Appellant; R. Ravichandran, Addl. Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Honourable Mr. Justice Vinod K. Sharma

1. The petitioner prays for issuance of a writ in the nature of Certiorari, to quash the Advertisement No. 3/2001 dated 14.9.2001, being null and

void, invalid and violative of statutory rules and procedures. The advertisement is challenged to be ultra vires the constitution, being violative of

Article 14, 16, 21 and 309 of the Constitution of India. The consequential relief claimed is for directing the respondents to select and appoint the

petitioner, as Tamil Pandit based on her employment seniority as contemplated vide G.O.Ms. No. 477 Education Science and Technology dept.

dt.16.7.96 with all attendant benefits.

2. The petitioner passed pulavar 2(d) Tamil Pandit Course in the year 1986. The petitioner also qualified B.Litt course in December 1988. The

petitioner got herself registered for the post of B.T. Assistant, with the District Employment Officer, Tuticorin on 13.11.1987 and her employment

Registration number is W/4362/87, the registration is being renewed from time to time.

3. The case of the petitioner is that in the year 2001, her seniority was No. 3 as per the record of the District Employment Officer, Tuticorin,

therefore, the petitioner had legitimate expectation to be appointed against 778 vacancies of B.T. Assistants. Out of which, 209 vacancies were for

Tamil Pandits.

4. The second respondent issued advertisement dated 14.09.2001 to recruit School Assistants, including Tamil Pandits through an open written

competitive exam and oral test basis on merit, communal rotation. The test was to be held on 06.10.2001.

5. The impugned advertisement is challenged in view of the Government Order No. 447 Education, Science and Technology department dated

16.07.1996, stipulating that the post of Secondary Grade Teachers, be filled up on employment exchange seniority.

6. The petitioner, therefore, submits that the impugned advertisement, being in violation of Government Order, is discriminatory, thus, violative of

Article 14, 16, 21 and 309 of the Constitution of India.

7. On consideration, I find no force in this contention. The appointment based on seniority of employment exchange, without considering the case

of all eligible persons, is violative of Article 14 & 16 of the Constitution of India, as all the eligible persons, cannot be denied right of consideration

to the civil posts.

8. The impugned notification is rather in consonance with the constitutional provisions, allowing all eligible persons to compete for the post on

merit.

9. The Government order, laying down that the posts should be filled on the basis of employment seniority, is ultra vires constitution, therefore,

does not give any right to the petitioner, to seek appointment or to challenge the advertisement, which is constitutionally valid. No merits.

Dismissed. No costs.