



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No.20534 of 2007

N.Navarasan

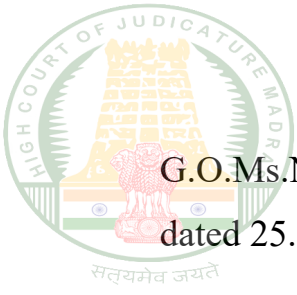
..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep By its Secretary Labour Employment (N2)
Department., Fort St.George, Chennai 9.
2. The Special Commissioner and
Commissioner of Employment Exchange,
Chennai 32.
3. The General Manager
Tamil Nadu State Transport Corporation (Salem)
Ltd, Salem -7, Salem District.

..Respondent(s)

Prayer: This Writ Petition is filed under Section 226 of the constitution of India, for the issuance of Writ in the nature of Declaration, declaring that the selection process followed by the 3rd respondent to fillup the post of Conductor by direct recruitment as illegal and contrary to G.O.Ms.No.65 dated 30.03.2007 and the subsequent clarification letter No.2167/N2/2007-2 dated 25.04.2007 issued by the 1st respondent herein and consequently direct the 3rd respondent herein to fillup the post of Conductors afresh, by strictly complying with the



G.O.Ms.No.65 dated 30.03.2007 and clarification letter No.2167/N2/2007-2 dated 25.04.2007.

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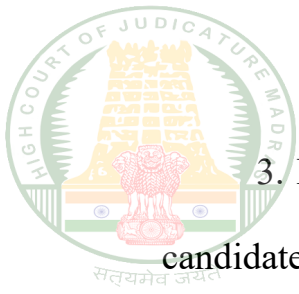
For Petitioner(s): Mr.S.Shrish
for M/s. N.Manokaran

For Respondent(s): M/s.Y.Kavitha
Government Advocate, For R1 And R2
Mr.M.Ashwin, Standing Counsel, For R3

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondent Nos.1 & 2 and the learned Standing Counsel for the respondent No.3.

2. The petitioner has filed the present writ petition assailing the action of the third respondent in undertaking a selection process contrary to G.O. Ms. No. 65, dated 30.03.2007, and the subsequent clarification letter dated 25.04.2007 issued by the first respondent. The petitioner seeks a consequential direction to the third respondent to fill up the posts of Conductors strictly in compliance with G.O. Ms. No.65 dated 30.03.2007 and the clarification issued by the first respondent dated 25.04.2007.

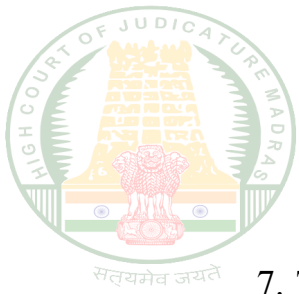


3. In short, the case of the petitioner is that, as per G.O. Ms. No. 65, the candidates are to be selected based on Employment Exchange seniority in the ratio of 1:1. The petitioner has approached this Court by the present writ petition on the ground that the respondents are undertaking recruitment in violation of the said stipulation contained in G.O. Ms. No. 65.

4. On the other hand, the contention of the first respondent is that G.O. Ms. No. 65 dated 30.03.2007 was subsequently modified by G.O. Ms. No. 86 dated 12.05.2007 and was thereafter recalled altogether by G.O. Ms. No. 18 dated 25.02.2008.

5. It has also been brought to the notice of this Court that a Division Bench of this Court, in a challenge to G.O. Ms. No.65 and the subsequent clarifications issued by way of G.O. Ms. No. 86, having held that the very G.O. Ms. No. 65 dated 30.03.2007 itself violates Articles 14 and 16 of the Constitution of India. Thus, it is contended that the petitioner cannot claim of any right having accrued to him to be selected on the basis of G.O. Ms. No. 65.

6. I have taken note of the above of the contentions urged.

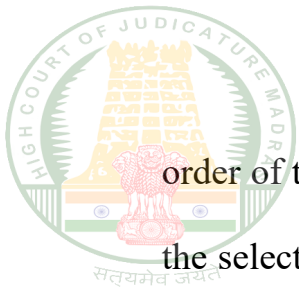


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7. The Hon'ble Division Bench of this Court in **W.A. Nos. 370 and 371 of 2008** along with **W.P. No. 34617 of 2007** considered the validity of G.O. Ms. No. 65 and the subsequent Government Orders issued by the respondents. The Hon'ble Division Bench, while setting aside the order of the learned Single Judge, observed as under:

“11. As held earlier, we are not in a position to accept such a contention made on behalf of the second respondent. Even going by the dictum of the Division Bench, as consideration of one name against one vacancy will amount to ‘no selection’ in the eye of law since the very G.O.Ms.No.65, dated 30.03.2007, violates Article 14 and 16 of the Constitution of India, it will have to be held that any selection made based on the said G.O. should automatically fail to the ground. In other words when the Division Bench has declared in no uncertain terms that the prescription of 1:1 ratio was constitutionally invalid, there is no question of validating any appointment made applying the said ratio after its withdrawal even if the selection came to be made prior to its withdrawal. To put it differently when a provision has been held to be constitutionally invalid, it will be travesty of justice to approve of any action based on such invalid provision. We therefore reject the said contention made on behalf of the second respondent.”

8. It is not brought to the notice of this Court that the said decision of the Hon'ble Division Bench has been reversed by any subsequent decision of the Hon'ble Apex Court or by a Full Bench of this Court. In view of the aforesaid



order of the Hon'ble Division Bench of this Court holding G.O. Ms. No. 65 and the selection process undertaken in 1:1 ratio is to be invalid, the petitioner, who is seeking to make a claim on the basis of the said G.O. Ms. No. 65, cannot contend that the recruitment undertaken by the respondents is in violation of G.O. Ms. No. 65, since G.O. Ms. No. 65 itself has been held to be invalid.

9. In view of the above observations, this Writ Petition fails and dismissed. No costs. Consequently, connected miscellaneous petitions, if any, are closed.

20-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GBI

To

1. The Government of Tamil Nadu
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Department., Fort St.George, Chennai 9.
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3. The General Manager
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T.VINOD KUMAR, J.

GBI

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