



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2026

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**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR**

**W.A.NO.1847 OF 2023
AND
CMP NOS.16167 AND 16168 OF 2023**

1.A.Anand
2.P.Manikandan
3.S.Selvaraj
4.M.Govindarajulu
5.S.Girija
6.N.Subramani
7.A.Chandralega
8.Y.Devendiran

... Appellants

Vs.

1.The State of Tamil Nadu
Rep. By its Principal Secretary to Government
Human Resources Development Department
Fort St. George, Chennai – 600 009.

2.The Directorate of Elementary Education
DPI Campus, College Road,
Chennai - 600 006.

3.The Teachers Recruitment Board
Rep. By its Member Secretary
3rd Floor, Puratchi Thalaivar Dr.M.G.R.
Centenary Building
DPI Campus, College Road,
Chennai – 600 006.

... Respondents



PRAYER: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 19.04.2023 passed in W.P.No.229 of 2023.

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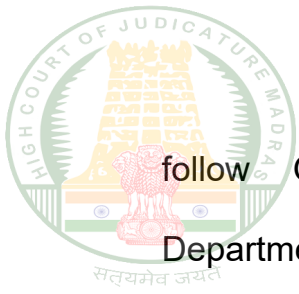
For Appellants : Mrs.C.Uma
For Respondents – 1&2 : Dr.R.Gouri
Government Counsel
For Respondent – 3 : Mr.C.Kathiravan

J U D G M E N T

(Judgment of the Court was made by S.M.Subramaniam J.)

Writ Appeal has been instituted under Clause-15 of the Letters Patent, challenging the order dated 19.04.2023 passed in W.P.No.229 of 2023.

2.Facts in brief required for disposal of case are that the Teachers Recruitment Board (TRB) issued a Recruitment Notification No.13/2019 dated 27.11.2019, inviting applications from eligible candidates for direct recruitment to the post of Block Educational Officer in Elementary Education for the year 2018-2019 to fill up a total of 97 vacancies. The Teachers Recruitment Board had conducted Computer based examination on 14.02.2020, 15.02.2020 and 16.02.2020 in six sessions and published the results on 27.01.2021 and the revised mark list on 21.12.2021. In the meantime, the Director of Elementary Education, on 09.11.2021, sought to include 23 additional vacancies. Accordingly, the Teachers Recruitment Board issued an Addendum to Notification No.13/2019 on 28.12.2021 regarding the increase of the vacancies from 97 to 120. In the Notification, it was clearly stated that it would



follow G.O.Ms.No.145, Personnel and Administrative Reforms (S)

Department, dated 30.09.2010 for PSTM Reservation in that particular

recruitment. Based on the same, 20% PSTM Reservation was filled among the 97 vacancies. Since the Director of Elementary Education sought to fill up the additional vacancies after the issuance of the G.O.Ms.No.82, the Board sent a letter to the Government to issue suitable clarification on the above issue as it is the policy matter. Accordingly, the Government in its Letter No.962/TRB/2022 dated 25.07.2022 stated that with regard to filling the additional 23 vacancies, it may not be appropriate to follow two different Government Orders relating to PSTM for the same recruitment as leads to several disputes.

3.It is not in dispute between parties that the process of selection was concluded in all respects and after Certificate Verification, the provisional selection list was published on 04.02.2022 for 97 vacancies only, wherein 96 candidates were provisionally selected. Soon after completion of selection and appointment of selected candidates, a batch of Writ Petitions had been instituted, more particularly with reference to Sections 26 and 27 of The Tamil Nadu Government Servants (Conditions of Service) Act, 2016 in the matter of providing reservation for women candidates. A Division Bench of this Court elaborately considered issues, relating to selection and delivered a judgment on 07.09.2022, disposing of writ petitions in W.P.Nos.6201 of 2013 etc., batch.



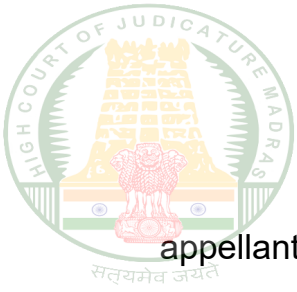
4.Mrs.C.Uma, learned counsel for the appellants would mainly rely on Paragraph Nos.43 and 44 of the said judgment, which reads as under:

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“43.The exercise aforesaid would be undertaken in reference to all the selections under challenge and if any of the petitioners find place in the merit based on the said arrangement, then they would be given appointment in service to the post concerned. However, it is with a clarification that the petitioners would be entitled to the appointment only if they fall in the merit after arranging the lists in the manner given above and not otherwise.

44.In those cases where appointments are yet to be made, the arrangement given by us would be applied and if the respondents find it to be offending Section 26 of the Act of 2016, then the same is declared ultra vires the Constitution, because the Constitution and the judgments of the Apex Court do not provide setting apart of the posts for female candidates to be arranged vertically.”

5.The argument of learned counsel mainly rests on the ground that spirit of the judgment has not been implemented and therefore, appellants herein filed writ petition in the year 2023, more specifically after delivery of judgment by Division Bench of this Court in a batch of writ petitions on 07.09.2022 in W.P.Nos.6201 of 2013 etc., batch.

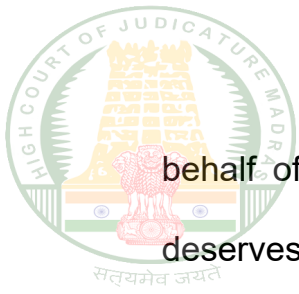


6. Admittedly, writ petition has been instituted by present appellants after a lapse of about three years from the date of notification, one year from the date of appointment of selected candidates, and after common order passed in a batch of writ petitions by Division Bench on 07.09.2022. Learned Single Judge considered the issues and given a finding that writ petition was filed with delay and laches, tantamounting to acquiescence on their part. Appellants herein filed a writ petition praying to declare the selection list dated 04.02.2022 issued by the 3rd respondent comprising of 97 candidates for the post of Block Educational Officers pursuant to Notification No.13/2019 dated 27.11.2019 treating reservation for women and PSTM candidates as vertical reservation as illegal and contrary to clause 3 of the Notification No.13/2019 dated 27.11.2019 and the decision of this Court dated 07.09.2022 passed in W.P.Nos.6201 of 2013 etc., batch and for a consequential direction to redraw the provisional selection list dated 04.02.2022 in accordance with law and issue appointment orders to the appellants as Block Educational Officers coming under the Tamil Nadu Elementary Educational Subordinate Service Rules. Such a relief sought for by appellants in the writ petition after issuance of appointment orders based on the selection list *per se* is not maintainable. Learned Single Judge also considered the point of delay and laches and found that the relief as such sought for based on the judgment delivered in the batch of writ petitions is untenable.



7.This Court is of the considered view that if there is any illegality in the Recruitment Notification, an aggrieved person has to challenge the same before completion of process of selection. If the process of selection is tainted and candidates came to know it after publication of selected list, then such aggrieved persons have to approach the Court immediately without causing any undue delay.

8.In the present case, appellants have allowed the process of selection to go on and after completion of selection process, appointment of selected candidates and after delivery of judgment by Division Bench of this Court, appellants filed writ petition seeking to declare the provisional selection list dated 04.02.2022 as illegal and contrary to Clause 3 of the Notification dated 27.11.2019. In the event of entertaining such writ petitions, it will result in opening Pandora's box and many other similarly placed unsuccessful candidates, who participated in the process of selection may also file further writ petitions based on the order passed subsequently after issuance of appointment orders. This exactly is the reason why Courts have time and again reiterated that fence sitters are not entitled to maintain writ petitions after completion of process of selection and in the present case, after issuance of appointment orders in the year 2022. This Court is not inclined to go into other merits, since writ petition is liable to be rejected on the ground of delay and laches and also on the ground that prayer as such sought for is not maintainable after issuance of appointment orders. Other submission made on



behalf of appellants that they are meritorious and entitled for appointment, deserves no further consideration. Pertinently, subsequent Recruitment

Notification was also issued for the same posts.

9.For all these foregoing reasons, the present Writ Appeal is dismissed. Consequently, Writ Petition also stand dismissed. No costs. Connected Civil Miscellaneous Petitions are closed.

[S.M.S., J.]

[N.S., J.]

24.07.2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes / No
TK

To

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Government of Tamil Nadu
Human Resources Development Department
Fort St. George, Chennai – 600 009.
- 2.The Directorate of Elementary Education
DPI Campus, College Road,
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