



WA No. 3769 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 3769 of 2025 AND

CMP Nos. 31123 OF 2025 and 9555 OF 2026

The District Collector
Dharmapuri

..Appellant(s)

Vs

1. Perumi
W/o. Madhu, Endahalli Village, Jerthalav,
Sugar Mill Post, Palacode Taluk, Dharmapuri
District.
2. The Commissioner
Panchayat Union, Palacode,
Dharmapuri District.
3. Amudha
W/o. Krishnamoorthy, New Colony, Jerthalav
Post, Palavcode Taluk, Dharmapuri District.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 13.02.2025 passed in WP No. 24105 of 2013.

For Appellant(s):

Mr.A.R.Suresh,
Special Government Pleader

For Respondent(s):

Mr.R.Selva Kumar for R1,
No Appearance for R2



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Judgment

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

The District Collector, Dharmapuri District preferred the present intra court appeal challenging the writ order dated 13.02.2025 passed in W.P.No.24105 of 2013.

2. Respondents 1 and 3 in the present appeal submitted their respective application for selection to the post of Noon Meal Organiser in the Noon Meal Centre at Sugar Mill Panchayat Union Primary School, Palacode in the year 2012. The candidates were allowed to participate in the interview and for certificate verification on 08.08.2012. A total of 36 candidates had applied for the vacancy and the post was reserved for Scheduled Caste (Non-priority). Based on the selection and award of marks, the third respondent Amudha was selected and she hail from Scheduled Caste (Arunthathiyar) community. Since she secured higher marks, she was appointed.

3. The first respondent Perumi challenged the said appointment mainly on the ground that the post is earmarked for Scheduled Caste (General) and therefore the appointment of the candidate belonging to Schedule Caste community (Arunthathiyar) is improper and in violation of the Rule of reservation.



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4. Learned Additional Government Pleader would mainly contend that there is no bar to appoint a successful candidate, who scored higher marks and belonging to Scheduled Caste (Arunthathiyar). In the present case, the third respondent Amudha scored higher marks than that of the first respondent and therefore she was selected and appointed. The learned Single Judge issued a direction to appoint the first respondent also by identifying a vacant post. In the event of filling up any other post, then the reservation under the 200 point roster would be unsettled. Thus, the district collector preferred the present writ appeal.

5. Learned Additional Government Pleader would rely on the Division Bench judgment of Madurai Bench of Madras High Court in the case of **“E.Surya -vs- Teachers Recruitment Board and others”** in **W.A.(MD) No.2471 of 2024 dated 20.06.2025** wherein the issue relating to appointing a Scheduled Caste (Arunthathiyar) community candidate against the reserved vacancy of Scheduled Caste (General) was upheld.

6. Learned counsel for the respondent Mr.R.Selvakumar would oppose by stating that once the post is reserved for Scheduled Caste (General) no other candidate can be selected and appointed. As per the 200 point roster



system, the subject post is allotted to Scheduled Caste (General) candidate and thus, appointing the third respondent is in violation of the rule of reservation. The first respondent scored higher marks under the Scheduled Caste (General) category and therefore she is entitled for appointment and the writ court has rightly considered the case of the first respondent.

7. This Court has considered the rival submissions made between the parties to the lis.

8. It is not in dispute that the respondents 1 and 3 participated in the process of selection. The third respondent Amudha scored 33 marks in the selection process and the first respondent Perumi scored 32 marks. The competent authority selected third respondent and appointed her on the ground that she scored higher marks. The only question to be considered is whether a candidate belonging to Scheduled Caste (Arunthathiyar) may be appointed against the vacancy earmarked for Scheduled Caste (General) category.

9. The issues are no more *res integra* in view of the well considered judgment of the judgment of the Madurai Bench of Madras High Court in the case of **E.Surya -vs- Teachers Recruitment Board and others** cited supra.



The relevant paragraphs are extracted hereunder.

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“7.The only point that has to be answered in this appeal is whether the authorities were right in accommodating the meritorious SC(A) candidate against SC(General) category in the first instance. 8.It cannot be disputed that reservation meant for Arunthathiyars is a social reservation and not special reservation. Social reservation will come only under vertical category whereas Special Reservation will come under horizontal category. Horizontal reservation will cut across all categories. In the very nature of things, reservation for Arunthathiyars cannot cut across all categories. Since Arunthathiyar reservation has been carved out of the reservation for Scheduled Castes, as a logical correlative, it is also vertical. 9.It is true that in Rajesh Kumar Daria v. Rajasthan Public Service Commission (2007) 8 SCC 785 and Saurav Yadav vs. State of UP (2021) 4 SCC 542, it has been held that if the quota fixed for horizontal reservations is already satisfied, there would be no need for further selection towards the special reservation quota. But such an approach cannot be adopted in the case of reservation for Arunthathiyars because it is not a horizontal reservation but vertical reservation.

10.It must be conceded that use of expressions such as “preferential basis”, “even after filling up of the required appointments or posts reserved for Arunthathiyars amongst the Scheduled Castes” found in the relevant statutes do cause



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confusion. Before remarking on the use of such terms, we must remind ourselves of the historical context in which the statutes ((Tamil Nadu Act 4 of 2009) and (Tamil Nadu Act 14 of 2016)) came to be enacted. The State of Tamil Nadu took a daring step for the cause of social justice in the face of the judgment of the Hon'ble Supreme Court in *E.V.Chinnaiah vs. State of A.P* (2005) 1 SCC 394. It was held therein that there cannot be any grouping of Scheduled Castes into different categories for differential treatment. The said decision forbade subclassification of Scheduled Castes. It declared that the members of the Scheduled Castes are a single integrated and homogenous class and that it was not competent for a legislature of a State to sub-divide them into separate compartments with a separate percentage of reservation for each.

11.*E.V.Chinnaiah* was overruled in *Davinder Singh* which is a Seven Judges Bench (6:1) decision. The correctness of *E.V.Chinnaiah* was doubted in the year 2020 itself by a Five Judges Bench. The text as well as the expressions found in Tamil Nadu Act 4 of 2009 and Section 27 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 must be expansively construed in the light of *Davinder Singh* so as to effectuate the legislative intention.

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15. To sum up, when reservation policy is implemented, the open quota shall be filled up first on merit basis. An Arunthathiyar candidate can compete in the open quota on merit basis and if he or she is selected, the sub-quota earmarked for Arunthathiyars will not be affected. The meritorious Arunthathiyars are entitled to compete in the SC General category and if selected on merit basis, again, the sub-quota meant for Arunthathiyars will not be affected. The most meritorious Arunthathiyar candidate shall not be adjusted against the SC(A) vacancy in the first instance. Such an approach alone would give effect to Section 8 of Tamil Nadu Act 4 of 2009 which will prevail over Section 27(a) of the Act 14 of 2016 as well as Sections 3, 4 and 5 of the Tamil Nadu Act 4 of 2009.

16. In this view of the matter, we uphold the manner of selection made by the Teachers Recruitment Board. The most meritorious candidate happened to belong to SC(A) category. She was rightly accommodated under the SC(G) category. The learned Single Judge adopted the correct approach and interference with the said order is not called for. This writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.”



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10. In view of the above factual and legal position, the writ order impugned dated 13.07.2022 passed in W.P.No.24105 of 2013 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
07-08-2026

Index: Yes
Speaking order
Neutral Citation: Yes/No

KST

To

The Commissioner
Panchayat Union, Palacode, Dharmapuri District.



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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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