



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.A.[MD].No.15 of 2014 and
M.P.(MD) No.1 of 2014

Stephen Jeyasingh

: Appellant

Vs.

1. The Secretary to the Government,
Ministry of Home Affairs,
Police Deviation II
(Resettlement and Welfare Directorate),
North Block,
New Delhi 110 001.

2. The Chairman,
Tamil Nadu Public Service Commission,
No.1, Greams Road,
Chennai - 600 006.

2. The Secretary,
Tamil Nadu Public Service Commission,
No.1, Greams Road,
Chennai - 600 006.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 14.11.2013 made in W.P.(MD) no.3152 of 2013 on the file of this Court.

Prayer in WP(MD). 3152/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent herein to appoint the petitioner in the post of TYPIST (Group IV) in the Revenue Department, Kanyakumari District, as per the successful list endorsed by the 1st respondent dated 06.12.2012 under the Ex-servicemen Quota.

For Appellant

: Mr.F.Deepak

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.V.R.Shanmuganathan,
Spl.G.P.

**JUDGMENT**

[Judgment of the Court was made T.S.SIVAGNANAM, J.]

This writ appeal by the writ petitioner is directed against the order dated 14.11.2013, by which the writ petition was dismissed. The appellant sought for issuance of writ of mandamus to direct TNPSC to appoint him in the post of Typist Group IV in the Revenue department, Kanyakumari District.

2.The contention raised by the appellant is that he served for the Border Security Force and retired from the said employment and he has to be treated as Ex-serviceman. In this regard, reference was made to the Memorandum issued by Government of India, dated 23.11.2012 in and by which, various Forces including the Border Security Force was brought under the purview of Ex-serviceman category in respect of the personnel, who have served those organization. Therefore, it was contended that the appellant is entitled to the relaxation or concession that has been extended to Ex-service personnel in the matter of recruitment.

3.The learned Single Judge, in our view, rightly held that the selection has to be done in accordance with the notification issued by TNPSC, which defines the category of persons, who are ex-servicemen. Thus, merely because of the Government of India issued a notification, classifying the retired personnel of Border Security Force as ex-servicemen, that itself will not confer any vested right on the petitioner to seek for being treated as ex-servicemen, because of the proceedings/notification issued by TNPSC does not make any such classification. The correctness of the selection process has to be tested going by the condition prescribed in the notification, and not on any extraneous material. It is true that as of now, the retired Border Security Force personnel are classified as Ex-servicemen. If the petitioner wishes to focus this aspect for the benefit of others, it is well open to him to approach the third respondent by way of appropriate representation, which shall be considered by TNPSC, if a decision on the said aspect has not been taken already.

4.With the above said observation, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/



To

1. The Secretary to the Government,
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(Resettlement and Welfare Directorate),
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+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59373

ARUL/DSK

TE/JC/SAR-II : 21/06/2017 : 3P/5C

JUDGMENT MADE IN
W.A.[MD].No.15 of 2014 and
M.P.(MD) No.1 of 2014
08.06.2017