

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4075 of 2018

and W.M.P.No.5004 of 2018

M.Rajarajachozhan

... Petitioner

Vs.

Tamil Nadu Public Service Commission,
rep. by its Secretary, Frazer Bridge Road,
VOC Nagar, Park Town, Chennai-3.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to appoint the petitioner in the post of Junior Assistant, from the reserve list of the result of the written examination held on 07.08.2011 for special recruitment (Group IV Services) for differently abled persons-2011.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondent : Mr.M.Loganathan,
Standing Counsel

ORDER

This writ petition has been filed seeking to issue a writ of mandamus, directing the respondent to appoint the petitioner in the post of Junior Assistant by operating the reserve list, since the petitioner was selected and placed in the reserve list for special recruitment (Group IV Services) for differently abled persons-2011. The petitioner being a differently abled person (deaf), applied for the post of Junior Assistant pursuant to the Notification No.23/2017 dated 14.11.2017 inviting application for the post of Junior Assistant (Non Security) and Junior Assistant (Security) Service Code.006. He was also taken part in the written examination held on 07.08.2011. Results were also subsequently published placing the petitioner in the reserve list under the category of Backward Class (other than BC-Muslims) (General) Differently Abled (Deaf). It is stated that, as per the result published, the reserve list candidates

will be issued with allotment order for the respective categories under following reasons:

- (a) Non-Joining duty of selected candidates
- (b) Selected candidates who joined duty but left hereafter
- (c) Cancellation of provisional selection of the selected candidates for any reasons.

2. As the petitioner was not informed of his allotment order, he made an application under RTI Act seeking information as to whether he is going to be considered by operating reserve list. But, he was informed by proceedings dated 02.09.2013, that the reserve list candidates have not been considered till date. Therefore, he has been advised to come to this Court.

3. When the matter was taken up for hearing, Mr.M.Loganathan, learned Standing Counsel appearing for the Tamil Nadu Public Service Commission admitted that when the petitioner applied for the posts of Junior Assistant, Typist and Steno-Typist, Grade-III (Group IV Services) under direct recruitment, he was selected and placed in the reserve list. But the reserve list could not be operated, as there was no occasion arisen because all the selected candidates joined duty. Thereafter, five more Notifications have been issued to the post of Group - IV services by the Tamil Nadu Public Service Commission viz., Notification No.14/2012 dated 27.04.2012, No.9/2013 dated 14.06.2013, No.18/2014 dated 14.10.2014, No.15/2016 dated 09.08.2016 and No.23/2017 dated 14.11.2017. Therefore, the reserve list, in which the petitioner was placed, lost its validity. As per the settled legal position, when the selection list for the subsequent recruitment was published by the Commission, the said list and the reserve list will be valid till the subsequent Notification is issued. In the present case, more than five Notifications have been issued, but the petitioner has come to this Court belatedly.

4. This Court fully agrees with the submissions made by the learned Standing Counsel appearing for the respondent/Tamil Nadu Public Service Commission. Since five subsequent Notifications have been issued, the reserve list for the post of Group - IV Services (2011) certainly lost its validity and therefore, the writ petition fails and the same is dismissed.

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ASST. REGISTRAR

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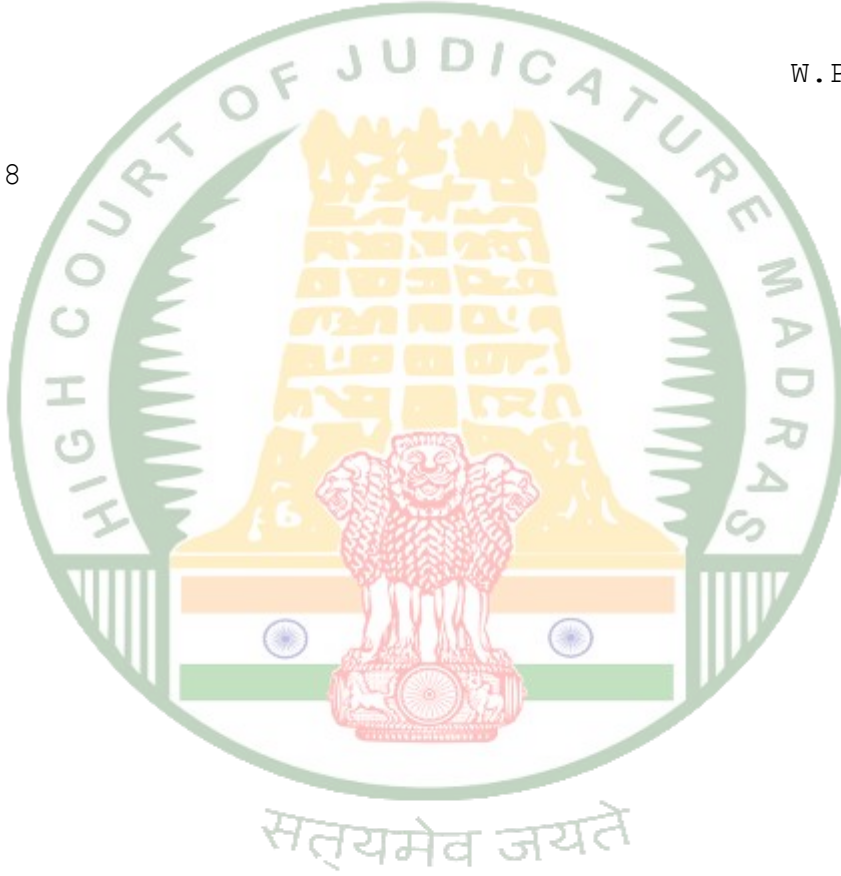
The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai-3.

+1 cc to M/s.K.M.Vijayan Associates, Advocate SR.NO. 15266

+1 cc to Mr.M.Loganathan, Advocate SR.NO. 15259

W.P.No.4075 of 2018

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