

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3675 of 2013

and

M.P.No.1 of 2013

O.Janikiram

...Petitioner

Vs.

1.The Government of Tamilnadu,
Rep.by Secretary to Government,
Revenue Department,
Fort St.George, Madras.

2.The Tamilnadu Public Service Commission,
rep.by its Secretary,
No.3, Frazer Bridge Road,
V.O.C.Nagar,
Chennai 600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to comply with the provisions of Tamilnadu Arunthathiyars (Special reservation of seats in Educational Institutions including private Educational Institutions and of appointments or posts in the services under the state within the reservation for the scheduled Castes) Act 2009 (Tamilnadu Act 4 of 2009) in so far it relates to appointment to the post of Deputy Collector (Back Log Vacancies for SC & ST candidates - 23 posts) included in the notification dated 29.12.2010 for direct recruitment for the posts enumerated therein included in Group - I services and consequentially appoint the petitioner as Deputy Collector in the 23 back log Vacancies for SC & ST.

For Petitioner : Mr.N.R. Chandran,
Senior Counsel for
Mr.K.J.Parthasarathy

For Respondents : Mr.A.Ansar,
Government Advocate for R1
Mr.C.N.G. Niraimathi for R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to comply with the provisions of Tamilnadu Arunthathiyars (Special reservation of seats in Educational Institutions including private Educational Institutions and of appointments or posts in the services under the state within the reservation for the scheduled Castes) Act 2009 (Tamilnadu Act 4 of 2009) in so far it relates to appointment to the post of Deputy Collector (Back Log Vacancies for SC & ST candidates - 23 posts) included in the notification dated 29.12.2010 for direct recruitment for the posts enumerated therein included in Group - I services and consequentially appoint the petitioner as Deputy Collector in the 23 back log Vacancies for SC & ST.

2. The Learned Counsel for the writ petitioner made a submission that the writ petitioner belongs to Scheduled Caste Arunthathiyar community and therefore, he is entitled to avail the reservation provided, pursuant to the recruitment notification issued by the Tamil Nadu Public Service Commission. The writ petitioner had participated in the process of selection and he was successful in the written examination held on 22.05.2011. Having passed in the preliminary written examination, the writ petitioner was allowed to participate in the main written examination, which was held on 28.07.2012 and 29.07.2012. The petitioner appeared in the main examination and was a successful candidate. Pursuant to the call letter issued by the second respondent dated 18.01.2013, the writ petitioner participated in the oral test (interview) held on 02.02.2013. The petitioner claims that he performed well and was awaiting for the results. However, the petitioner was not selected. Thus, he is constrained to move the present writ petition.

3. The Learned Counsel appearing on behalf of the TamilNadu Public Service Commission relying on the counter affidavit states that, the writ petitioner is not within the zone of consideration. The cut off mark for selection for Group -I services, during the relevant recruitment was 332 marks. The last candidate who was selected, scored 332 marks. However, the petitioner Thiru O. Janakiraman, has obtained 331 marks, therefore, the petitioner was not selected, as he was not within the zone of consideration.

4. The details of the marks scored by the respective selected candidates as well as the writ petitioner has been narrated in para 8 and 9 of the counter affidavit filed by the TNPSC, which is extracted hereunder

8. In this connection, the following candidates who belongs to SC (A) category have been selected for the posts included in Group - I services against the said category. Their particulars and the post chosen by them are as follows :

SNo .	Reg. No.	Name	Community	Marks	Post chosen
1	99905263	N.Suresh	SC-A	376.00	Deputy Collector
2	99937134	C. Vijaybabu	SC-A	369.00	- do -
3	01505110	P. Murugesan	SC-A	354.00	- do -
4	99966027	G. Vimalraj	SC-A	347.00	- do -
5	01213068	R. Kavitha	SC-A	336.50	- do -
6	99823103	S. Jaya	SC-A	332.00	Assistant Commissioner in Commercial Taxes

9. It is submitted that the petitioner Thiru O.Janikiram has obtained 331.00 marks comes under SC(A) category. Hence, he has not been selected for any one of the posts included in the Group - I services, 2007-2008, 2009-2010 and 2010-2011. The petitioner was treated under SC (A) category, and he has not secured required marks for selection and has not been selected to any of the posts included in Group - I Services.

5. In view of the fact that the petitioner was not within the zone of consideration, the relief as such sought for in the present writ petition cannot be granted.

6. Accordingly, the writ petition stands dismissed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.
vsi-2/jas

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamilnadu,
Revenue Department, Fort St.George, Madras.

2. The Secretary,
Tamilnadu Public Service Commission,
No.3, Frazer Bridge Road, V.O.C.Nagar,
Chennai 600 003.

+1cc to Mr.K.J.Parthasarathy, Advocate S.R.No.72549
+2ccs to the Government Pleader, S.R.Nos.73461 &72435

KR/15/11/18

W.P.No.3675 of 2013



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