

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA
W.P.No.32635 of 2018
and
W.M.P.No.37844 of 2018

M.Sudarmathi

... Petitioner

Vs.

The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road,
Park Town, VOC Nagar,
Chennai.3

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondent herein to appoint the petitioner herein as Deputy Collector/Assistant Commissioner (Commercial Taxes) as per Notification No.9/2015 dated 10.07.2015 in the existing vacancy by accommodating the petitioner from the waiting list drawn from the selection process.

For Petitioner : Mr.Veerakadhiravan,
Senior Counsel
for M/s.A.Mohammed Ismail
For Respondents : Mr.M.Loganathan,
Standing Counsel for TNPSC

ORDER

The petitioner belongs to Backward Class Community and his father is an Agriculturist. The respondent called for applications to fill up 74 post vacancies in Group-I Posts in the categories of Deputy Collector (19), Deputy Superintendent of Police-Category-I (26), Assistant Commissioner (Commercial Taxes) (21) and District Registrar (8). All 74 posts are classified as Group-I posts and notified by Notification No.9/2015 dated 10.07.2015. As she is a Backward Class Community, she is fully eligible for participation in the Combined Civil Services Group-I Examination and hence, she submitted application through on-line.

1.1. In the preliminary examination, the petitioner came out successfully and then, she was called for main examination, where also, she came out successfully and results were published on 12.05.2017. Subsequently, she was called for interview. The petitioner secured 592 marks and her overall rank was 43 in the selection rank.

1.2. Now, it is the grievance of the petitioner that due to Rule of reservation, she was not able to get appointment as Deputy Collector, but, she was selected as Deputy Superintendent of Police Category-I.

1.3. The petitioner claims that her position is Sl.No.1 in the waiting list for the post of Deputy Collector and total vacancies for the said post are 19 and her rank in the post of Deputy Collector is 20.

1.4. The petitioner submitted that one Mr.Suresh Kumar, who was working as Deputy Superintendent of Police, was selected as Deputy Collector in the present selection 2015-2017, but, he wanted to continue in the post of Deputy Superintendent of Police. Hence, a vacancy has arisen. As per the Regulation and the law in force, the waiting list is valid till finalization of the next selection. Hence, the petitioner submitted a representation to the respondent on 29.11.2018. As the said representation has not been considered, this writ petition has been filed.

2. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondent.

3. Considering the facts and circumstances of the case, the respondents are directed to consider the claim of the petitioner in the light of vacancy available and to pass further orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Assistant Registrar (CS)

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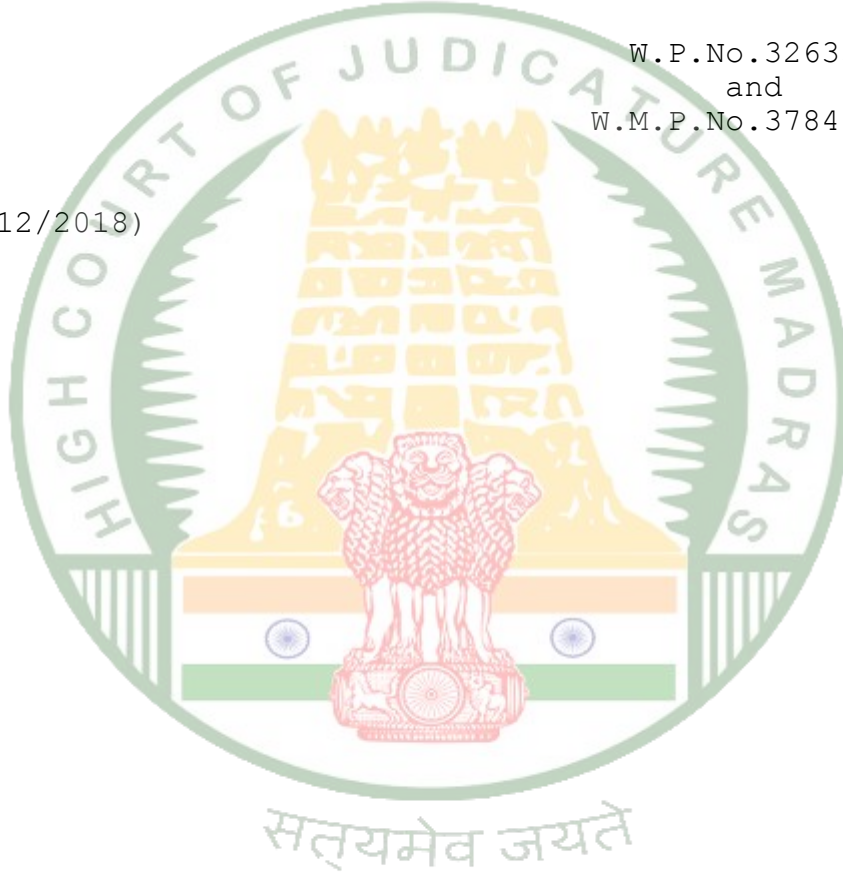
Sub Assistant Registrar

To
The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town, VOC Nagar,
Chennai.

+1cc to Mr.M.Loganathan, , Advocate SR.No. 84399
+3ccs to Mr.S.Surya , Advocate SR.No. 84525

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and
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ASK(11/12/2018)



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