

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.02.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5739 of 2019
and
W.M.P.No.6548 of 2019

T.Baby Jemila

..Petitioner

vs

1.State of Tamilnadu,
represented by its Secretary
School Education Department
Secretariat, Fort St.George
Chennai - 600 009

2.Tamil Nadu Public Service Commission
represented by its Secretary
Frazer Bridge Road
V.O.C.Nagar, Park Town,
Chennai - 600 003. ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to pass appropriate orders to the 2nd Respondent to consider the petitioner's representation dated 16.2.2019 and grant the petitioner the post of, Steno-Typist (Grade III) post code 2300 for the purpose of TamilNadu Ministerial service / Tamil Nadu Judicial Ministerial service (service code.006), by considering the petitioner also for preferential allotment under the category of Persons Studied in Tamil Medium (PSTM) as per Notification No.23 of 2017 dated 14.11.2017 issued by the 2nd Respondent within a time to be stipulated by this Honourable court.

For Petitioner : Mr.I.Jenkins William

For Respondents: Mr.A.Rajaperumal
Additional Government Pleader
for R1

Dr.M.Devendran
Standing counsel for TNPSC for R2

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st Respondent to pass appropriate orders to the 2nd Respondent to consider the petitioner's representation dated 16.2.2019 and grant the petitioner the post of, Steno-Typist (Grade III) post code 2300 for the purpose of TamilNadu Ministerial service / Tamil Nadu Judicial Ministerial service (service code.006), by considering the petitioner also for preferential allotment under the category of Persons Studied in Tamil Medium (PSTM) as per Notification No.23 of 2017 dated 14.11.2017 issued by the 2nd Respondent.

2. Admittedly, the priority category of the candidates, who studied in Tamil Medium is provided by the Government by way of Rules. In this regard, the Government also notified the Rules in the Tamil Nadu Government Gazette. Even as per the Notification now submitted by the writ petitioner dated 14.11.2017, which is enclosed in Page No.18 of the typed set of papers filed along with the writ petition, the reservation for the persons studied in the Tamil Medium is provided, more specifically, 20% Reservation of vacancies on preferential allotment is made to the PSTM category. However, the Reservation is to be provided strictly in accordance with the terms and conditions stipulated and as per the rules in force. The Rules are already notified by the Government in the Tamil Nadu Government Gazette and the authorities competent, while undertaking the process of selection, must follow the rules scrupulously.

3. This apart, the candidates, who are eligible, has to submit the application in accordance with the procedures and the applications must be submitted under the Quota. In the event of fulfilling all such terms and conditions by the writ petitioner, the reservations provided under the Notification dated 14.11.2017 is to be followed by the competent authorities, while undertaking the process of selection. However, the writ petitioner, as of now, has not established any cause of action for the purpose of adjudicating the issues. In the event of any rejection or reasons, and if the writ petitioner is aggrieved from and out of such reasoning or decisions, then alone, a writ petition can be entertained. The writ petitioner cannot file the writ petition either on apprehension or based on some presumptions and assumptions. There must be a definite cause of action for the purpose of adjudicating the issues in the matter of reservations. Thus, the writ petitioner is at liberty to approach the competent authorities, if at all any grievance exists. However, a direction to consider the representation cannot be granted.

4. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kak

To

- 1.The Secretary
School Education Department
Secretariat, Fort St.George
Chennai - 600 009
- 2.The Secretary,
Tamil Nadu Public Service Commission
Frazer Bridge Road
V.O.C.Nagar, Park Town, Chennai - 600 003.

+1cc to Mr.I.Jenkins William, Advocate, S.R.No.18478
+1cc to Dr.M.Devendran, Advocate, S.R.No. 19299
+1cc to the Government Pleader, S.R.No. 20002

W.P.No.5739 of 2019

KS (CO)
GN (25/03/2019)

WEB COPY