



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A. (MD) Nos.746, 866 and 1219 of 2019
and C.M.P. (MD) No.6569 of 2019 in W.A. (MD) No.746 of 2019
and C.M.P. (MD) No.7624 of 2019 in W.A. (MD) No.866 of 2019
and C.M.P. (MD) No.10504 of 2019 in W.A. (MD) No.1219 of 2019**

W.A. (MD) No.746 of 2019:

J.Arul Anand Raja ... Appellant/Petitioner

Vs.

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 007.
- 2.The Tamil Nadu Public Service Commission,
Rep. By its Secretary,
No.3, Frazer Bridge Road,
V.O.C.Nagar,
Chennai-600 003. ... Respondents/Respondents

PRAYER:This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 25.01.2019 passed in W.P.(MD)No.25168 of 2018 on the file of this Court.

Prayer in WP(MD). 25168/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified mandamus to call for the records pursuant to the 2nd respondent in notification No.23/2017 dated 14.11.2017 quash the same and consequently direct the 2nd respondent to call for the petitioner for certificate verification and to appoint the petitioner as Village Administrative Officer as per the written examination dated 14.6.2014

For Appellant : Mr.J.John
for Mr.G.Jeremiah



For 1st Respondent : Mr.A.K.Baskarapandiyan,
Special Government Pleader

For 2nd Respondent : Mr.D.Siva Raman

W.A. (MD) No.866 of 2019:

The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.

... Appellant/1st Respondent

Vs.

1.The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Chennai-600 003.

... 1st Respondent/2nd Respondent

2.Anbarasan

...2nd Respondent/Writ Petitioner

PRAYER:This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 25.01.2019 passed in W.P.(MD)No.15009 of 2016 on the file of this Court.

Prayer in WP(MD). 15009/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Memo NO. 5927/PSD-E/2014, dated 25.07.2016 issued by the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently issue a direction to the respondents to consider and grant appointment to the petitioner based on the selection held pursuant to the Notification No. 7/2014 dated 13.07.2014 to the post of Village Administrative Officer with all attendant benefits.

For Appellant : Mr.A.K.Baskarapandiyan,
Special Government Pleader

For 1st Respondent : Mr.K.K.Senthil

For 2nd Respondent : Mr.C.K.Chandrasekar
for Mr.A.Rahul

W.A. (MD) No.1219 of 2019:

The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
No.3, TNPSC Road, V.O.C. Nagar,
Chennai-600 003.

... Appellant/Respondent No.2



Vs.

1.P.Anbarasan

... Respondent No.1/Petitioner

2.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 007.

... Respondent

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 25.01.2019 passed in W.P.(MD)No.15009 of 2016 on the file of this Court.

Prayer in WP(MD). 15009/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Memo NO. 5927/PSD-E/2014, dated 25.07.2016 issued by the 2nd respondent and quash the same as being illegal, arbitrary and unconstitutional and consequently issue a direction to the respondents to consider and grant appointment to the petitioner based on the selection held pursuant to the Notification No. 7/2014 dated 13.07.2014 to the post of Village Administrative Officer with all attendant benefits.

For Appellant : Mr.D.Sivaraman

For 1st Respondent : Mr.C.K.Chandrasekar
for Mr.A.Rahul

For 2nd Respondent : Mr.A.K.Baskarapandiyan,
Special Government Pleader

COMMON JUDGMENT

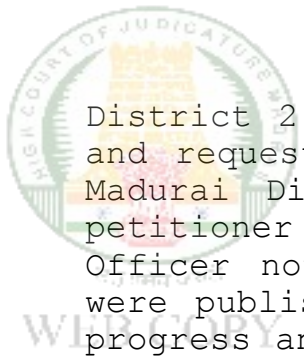
[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

W.A.(MD) No.866 of 2019 and W.A.(MD) No.1219 of 2019 are directed against the order order passed in W.P.(MD) No.15009 of 2016 dated 25.01.2019. The said Writ Petition was filed by the second respondent in W.A.(MD) No.866 of 2019/first respondent in W.A.(MD) No.1219 of 2019 Sri.P.Anbarasan S/o.R.Palaram, praying for issuance of a Writ of Certiorarified Mandamus to quash the Memo dated 25.07.2016, issued by the appellant in W.A.(MD) No.1219 of 2019/first respondent in W.A.(MD) No.866 of 2019/second respondent in W.A.(MD) No.746 of 2019 viz., Tamil Nadu Public Service Commission (TNPSC) as arbitrary and to direct them to consider and grant appointment to him based on the selection held pursuant to the Notification No.7/2014 dated 13.07.2014 to the post of Village Administrative Officer with all attendant benefits.

selected a
result of

5.The Tamil Nadu Public Service Commission issued notification dated 17.03.2014, calling for application for the post of Village Administrative Officer for the vacancies arose upto the year 2013-2014 and the estimated number of vacancies were 2342. The respondent/writ petitioner Anbarasan was one such candidate, who applied under the said notification. The results of the selection were published on 02.09.2015 and the last candidate in the MBC category, who was given appointment was the person, who ranked 729 in the merit list. The Writ Petitioner Anbarasan's Rank was 732. Since the respondent/writ petitioner was ranked 732, he was under the impression that he was not successful. The subsequent notification for the year 2014-2015 was issued on 12.11.2015 notifying 813 vacancies for the post of Village Administrative Officer. It appears, at that juncture, the Writ Petitioner had sought for an information under the Right to Information Act about the vacancy still existed for the post of Village Administrative Officer in various Districts on account of candidates, who have been selected for the said post and did not join duty. On obtaining such information, the writ petitioner came to know that as many as 20 recruits have not joined as Village Administrative Officer in the Madurai District, though were selected and appointed to the said post. After securing the information under the Right to Act between March, 2016 to June, 2016, the petitioner submitted a representation to the TNPSC on 30.06.2016. In the said representation, the petitioner pointed out that in Madurai District one MBC candidate, Vellore District 3 MBC candidates, Thoothukudi District 4 MBC candidates, Tirunelveli District 1 MBC candidate, Thanjavur District 1 MBC candidate, Karaikal District 1 MBC candidate, Palani District 1 MBC candidate, Sivakasi District 1 MBC candidate, Virudhunagar District 1 MBC candidate.

Dr.M.Rajasekaran



District 2 MBC candidates though selected not joined the vacancies and requested that he may be appointed with particular request to Madurai District. By reply dated 25.07.2016, TNPSC informed the petitioner that recruitment to the post of Village Administrative Officer notified for the year 2014-2015 was over and the results were published and from 01.08.2016 certificate verification was in progress and in respect of the vacancies arising out of non-joining of candidates for the recruitment 2013-2014 will be included in the subsequent recruitment. At that stage, the petitioner filed W.P.(MD) No.13165 of 2016. The prayer in the Writ Petition is to direct TNPSC to consider his representation and select and appoint him to the post of Village Administrative Officer under the MBC Category. It is the case of the Writ Petitioner that the communication dated 25.07.2016, sent by the TNPSC was after the Writ Petition filed by the Writ Petitioner and after notice to be directed to be served on the TNPSC through its Standing Counsel. Though a faint argument was made that the said communication was antedated, we do not agree with the said submission. Be that as it may, in the hearing dated 27.07.2016, the learned Single Judge took note of the submissions made by the Standing Counsel for the TNPSC that unless the second counselling is held for the purpose of filling of all the vacancies, the petitioner cannot come to this Court. The learned Standing Counsel appearing for TNPSC was directed to get instruction with regard to the next date of counselling. In the meantime, since the Writ Petitioner was communicated with the order dated 25.07.2016 from the TNPSC, he filed W.P.(MD) No.15009 of 2016 for issuance of Certiorarified Mandamus to quash the proceedings dated 25.07.2016 and grant appointment to the Writ Petitioner as Village Administrative Officer. The Writ Petition was dismissed by order dated 05.02.2018, by referring to Rule 15-A of Tamil Nadu State and Subordinate Service Rules that the reserve list shall be in force until the regular list is drawn up subsequently. Further, the Court was of the view that the Writ Petitioner never acquired any substantive legal right and merely because he was placed virtually next when the counselling process got over and merely because some of the appointed candidates in his category did not join in those vacancies, it was held that the TNPSC cannot be called upon to sponsor the name of the petitioner for being appointed to the said post. The petitioner challenges the said order in W.A.(MD) No.306 of 2018. The said appeal was allowed by judgment dated 11.07.2018 as the Court came to the conclusion that the matter requires re-adjudication after consideration of counter to be filed by the State along with the lines of the judgment of the Full Bench of the Hon'ble Supreme Court in **Gujarat State Deputy Engineers Association v. State of Gujarat and others (1994 SCC 591)**. Thereafter, the matter was heard by the learned Single bench afresh. Counter affidavit has been filed on behalf of the first respondent dated nil in the year 2018 and subsequently, an affidavit has been filed by the Principal Secretary to Government, Revenue Department dated 22.01.2019. After elaborately hearing the learned counsel, the Writ



Petition has been allowed. Challenging the same, the State Government as well as TNPSC have filed W.A.(MD) No.866 of 2019 and W.A.(MD) No.1219 of 2019 respectively.

6.We have elaborately heard Mr.C.K.Chandrasekar, assisted by Mr.A.Rahul, learned counsel appearing for the candidate Anbarasan, Mr.J.John, learned counsel appearing for the appellant in W.A.(MD) No.746 of 2019, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the State and Mr.K.K.Senthil and Mr.D.Sivaraman, learned Standing Counsel for TNPSC.

7.The legal position with regard to the validity of waiting list in recruitment process is no longer res-integra. We are examining the position prior to the coming into force of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Therefore, the provisions of Tamil Nadu State and Subordinate Service Rules will cover the proceedings. In terms of Rule 15 of the said Rules, reserve list shall be in force until regular list is drawn up subsequently. The vacancy that are intimated by the Government on the date of publication of the list of candidates shall be taken into account for the purpose of accommodating them in the various posts for which notification was issued. Equally settled is the legal position that the waiting list cannot be treated as a source of recruitment. The candidate in the waiting list in the order of merit has no right to claim that he should appointed on the ground that other selected candidate did not join. Equally the settled position is that once the selected candidates joined and no vacancy has arisen due to resignation etc., within the period in which the list is operative, he has no right to claim appointment. Under the Rules, the candidates in the waiting list cannot be accommodated in future vacancy which may arise unless the selection is held for it.

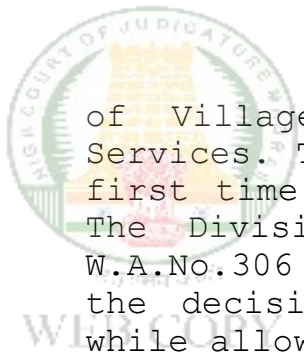
8.The learned counsel appearing for Anbarasan does not dispute the legal position, but seeks to carve out an exception with regard to his case. This contention raised before the learned Writ Court was accepted and the Writ Petition was allowed. The direction issued is opposed by the TNPSC and the Government and they reiterated their position that waiting list candidates have no vested right to claim appointment and cited the decision of the Constitutional Bench of the Hon'ble Supreme Court in **Shankarsan Dash v. Union of India [(1991) 3 SCC 47]** to buttress their submission.

9.In our considered view, the present case, so to say, is a very hard case as the facts are unique and distinct. Therefore, it requires exemption from a slightly different view point and this is so because of the factual situation arising in this case, which cannot be ignored. This is more so, because we are expected to apply our mind to the facts and not vice. As mentioned earlier, the notification in which the Writ Petitioner participated was issued on 17.03.2014 for 2342 posts. Based on which, recruitments were



conducted, results were published and second phase counselling took place on 02.09.2015. Admittedly, the petitioner ranked 732 and was called for certificate verification. But did not move to the stage of appointment, since upto 729 candidates were appointed. At that juncture, the writ petitioner has no idea of how many did not join duty though they were selected and appointed to the post of Village Administrative Officer. In fact, the appellant Government also were not aware of the position until the vacancy position intimated on 10.11.2017. This has been admitted in the counter affidavit filed during 2018, wherein, it has been stated that the Government have reported the vacancy position received from the District Collectors on various dates and the vacancies intimated is for candidates, who are yet to join from 2013-2014 notification onwards. In the meantime notification dated 12.11.2015, was issued for 813 vacancies for fresh recruitment. We cannot refer this as second notification since the Government has admitted that they do not have the vacancy position upto 10.11.2017 to give to the TNPSC and it is goes without saying that the notification dated 12.11.2015, did not cover those vacancies which had arisen on account of non-joining of candidates or resignation etc., of the candidates selected in the 2013-2014 notification. At that juncture, the writ petitioner started collecting informations under Right to Information Act between March, 2016 to July, 2016 and it came to light that there are several candidates, who did not join. This prompted the petitioner to give representation to the TNPSC and the TNPSC sent reply dated 25.07.2016, stating that they will recommend to the Government to include the non-joining vacancies arising from 2013-2014 to the Government to be included in the ensuing notification. In the meantime, the results of the second recruitment notifications were published on 01.07.2016 and immediately thereafter, the Writ Petition has been filed. Admittedly, no notification was issued for the year 2015-2016 and 2016-2017 and the next notification is for the year 2017-2018 dated 14.11.2017. The appellants have admitted that the vacancies arisen on account of non-joining from 2014-2015 onwards have been collected and the total number of vacancies are notified in 2017-2018.

10. In such scenario, we have to consider what is required to be done to the case of the respondent/writ petitioner. Admittedly, the respondent/writ petitioner cannot be blamed. Equally the TNPSC cannot be blamed because unless and until the respective departments, to whom selected candidates were allotted, intimates the Government, who in turn informs the TNPSC, the vacancy position will not be known to them. Since the vacancies for 2013-2014 on account of non-joining reported only on 10.11.2017, the second notification dated 12.11.2015 notifying selection of 813 candidates did not include the vacancies which existed for the selection 2013-2014 on account of non-joining of candidates. Therefore, the theory of carry forward does not arise in the instant case as facts are admitted and cleared. Thereafter, no recruitment notification was issued for the year 2015-2016 and 2016-2017. This presumably because the post



of Village Administrative Officer was brought into Group IV Services. The next notification was for 2017-2018, in which for the first time all the vacancies from 2013-2014 onwards were notified. The Division Bench, which allowed Writ Petitioner's appeal in W.A.No.306 of 2018 dated 11.07.2018 noted this issue, took note of the decision **Gujaraj State Deputy Engineers' Association** (supra) while allowing the appeal.

11. At this juncture, it will be worthwhile to extract the operative portion of the said judgment.

"6. Though the above cases have been cited by the appellant even before the learned single judge, his contentions were negatived in writ petition on the ground that that no substantive right had been acquired by the writ petitioner and as such, he could not claim an appointment simply by virtue of his placement at the top of the waiting / reserved list.

7. Mr. Chandrasekar learned counsel appearing for Mr. Rahul, learned counsel for the appellant, Mr. Baskarapandian, learned Special Government Pleader appearing for the State and Mr. Sivaraman, learned standing counsel appearing for the TNPSC, are largely agreed on the procedure to be followed in matters of such appointments, in line with the judgements cited and extracted above.

8. The learned counsels for the respondents also do not dispute the existence of a waiting/reserved list featuring candidates including the appellant herein.

9. It is however, the case of the TNPSC that the appointment of candidates who are waiting in the wings would arise only upon a requisition by the Government in this regard. Thus, according to the TNPSC, it is required to furnish the details of waiting candidates only if a specific request is made by the State indicating the number of vacancies that await filling.

10. In the present case, the appellant / writ petitioner had obtained information under the RTI Act to the effect that there were several vacancies caused by the reason of candidates not joining after receipt of appointment orders. Further, this Court had sought specific information from the first respondent, the State, in this regard. An affidavit has been filed by the District Collector, Madurai dated 10.07.2018 where, at paragraph 3, the District Collector confirms that twelve persons had not joined duty as on 10.11.2017. There thus is no dispute on the position that vacancies did, in fact, exist.

11. However, we are of the view that the timelines to be established pursuant to the judgment of the Full Bench of the Supreme Court in **Gujarat State Dy. Executive Engineers Association**, (supra) are still unclear in this case and the entitlement of the appellant can be ascertained only upon a



Bench, the following factors need to be ascertained:

(i) The period of operation of the waiting / reserved list and if not stipulated, the reasonable period to be inferred in the light of the position as admitted by Mr. Saravanan, learned counsel for TNPSC, that the counselling for MBC for 2013-14, concluded on 03.09.2015.

(ii) The joining period provided to the selected candidates and the last date within which a selected candidate has to report to the post.

12. Clearly no entitlement exists beyond 30.06.2016 when the results of the recruitment for the year 2014-2015 had been finalised and published. We are of the view that a proper adjudication of the issue raised by the appellant can be made only upon a determination of the aforesaid dates / information.

13. The culprit in the present case is clearly the first respondent, who has been silent in the course of the writ proceedings. No counter has been filed that could have been provided the missing pieces of the puzzle. Even at the stage of writ appeal while the direction of this Bench was specifically to the State to provide information regarding vacancies, only the District Collector files an affidavit and that too, one that is bereft of the required particulars.

14. In the aforesaid circumstances, we believe that this matter requires re-adjudication after consideration of a counter to be filed by the State along the lines of the judgment in the case of Gujarat State Dy. Executive Engineers' Association (supra).

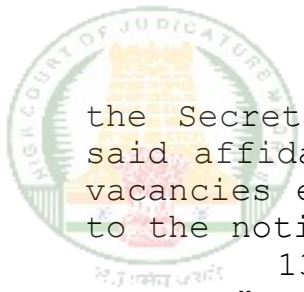
15. The matter is remanded to the file of the learned single Judge. The first respondent / State is directed to file a counter to the writ petition, within a period of two weeks from the date of receipt of a copy of this order.

16. TNPSC as well as the appellant may file their reply to the counter within a further period of two weeks from the date of receipt of counter from the State.

17. We are informed by the learned counsel for the TNPSC that the present litigation is holding up several other appointments and in the light of the same, we request the learned single Judge to consider disposing of the writ petition as expeditiously as possible.

18. The writ appeal is allowed by way of remand. No Costs. Consequently, connected miscellaneous petitions are closed."

12. With the above reasons, the Writ Appeal was allowed and the matter was remanded to the Writ Court. The Writ Court has done the exercise of having full particulars as to what would be the effect of waiting list and upon thorough examination of the case, it was found that counter affidavit filed on behalf of the State Government by the Additional Secretary, Revenue Department was inadequate with



the Secretary, who had filed the affidavit on 22.01.2019. In the said affidavit there is a candid admission that on fact there were vacancies existed on account of non-joining and if that was brought to the notice of the Government, it would have been sorted out.

13. We may quote the said portion of the counter affidavit:

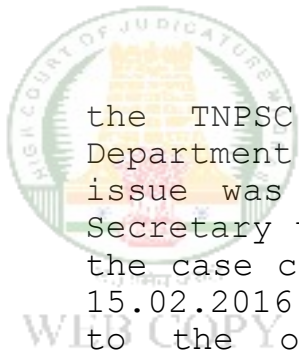
" .. the first respondent is not aware of the facts that those who have joined/not joined/joined and left in the year 2013-2014 from the post of Village Administrative Officer. If the above fact had been brought to the notice of the first respondent, the same would have been sorted out.

3. It is also submitted that the above fact brought to the notice of the first respondent only on 10.01.2019, i.e., when the case came up for hearing on the above date. The Additional Government Pleader has handed over the Tamil Nadu Public Service Commission's letter dated 15.02.2016 addressing to all District Collectors under a copy marked to O/o. the Commissioner of Revenue Administration, Chennai - 5. Further it is also submitted that the copy was not marked to the Government and hence the Government is not aware of the fact. The role of the first respondent is only to fix the estimate of vacancies to the post of Village Administrative Officer. The District wise vacancies are arrived by the O/o the Commissioner of Revenue Administration and the same was communicated to the Tamil Nadu Public Service Commission. As the first respondent is not aware of the position, it is not feasible to take further action."

14. The above factual position will clearly fortify the observations made by the Division Bench in its judgement dated 11.07.2018, and in particular the observations contained in paragraph 13 of the judgement. All these facts have been taken note of by the learned Single Bench while allowing the Writ Petition. The Writ Court also took into consideration the order passed by this Court under similar circumstances in W.P.No.10218 of 2014 dated 17.06.2014, which no doubt ordered that it should not be treated as a precedent.

15. It is the submission of Mr.D.Sivaraman, learned Standing Counsel for the appellant in W.A.(MD) No.1219 of 2019 that the decision in W.P.No.10218 of 2014 would not apply to the writ petitioner's case as it is distinguishable on facts and it would be based on the factual submissions placed therein.

16. Be that as it may, the facts we have mentioned above clearly demonstrate that the case of the respondent/writ petitioner Anbarasan is one of the rarest of rare case. We are of the view that neither the candidate nor the recruitment agency viz., TNPSC could be blamed. The Government viz., the Revenue Department had taken a clear stand in the counter affidavit filed by the Principal Secretary that the Districtwise vacancies were received by the Commissioner of Revenue Administration and communicated to



the TNPSC and the Principal Secretary to Government, Revenue Department is not aware of the position. Further more, the entire issue was brought to the notice of the office of the Principal Secretary to Government, Revenue Department only on 10.01.2019, when the case came up for hearing and the communication sent by TNPSC on 15.02.2016 was addressed to all District Collectors with copy marked to the office of the Revenue Administration. Therefore, the Principal Secretary has taken a stand that copy of the said communication sent by TNPSC was not marked to the Government for the reasons best known to them. Hence, none of the authorities could be blamed for the chaotic situation and subsequently the victim is the Writ Petitioner. We are also conscious of the fact that the District Collectors who have reported the vacancy position to the office of the Commissioner of Revenue Administration cannot be expected to do so on day to day basis. In the competitive world every candidate wants to progress further and very often though candidates selected and appointed immediately resigned as they seek to advance themselves in their career. Thus, the administrative side has to take stock of the situation and probably at the end of the year or thereafter, the total number of vacancies have to be communicated by the District Collectors.

17. We are also aware of such instances in the High Court Service where candidates selected by TNPSC resigned in large numbers between the period of one month to six months from the date of their appointments. The High Court administration cannot be expected to keep communicating to the Government as and when each candidate resigned and those vacancies are included only when the High Court conducted the next recruitment. In order to avoid large scale resignation, Registry adopted centralized Recruitment process to be done for the recruitment of High Court and Tamilnadu Judicial Ministerial Service pursuant to the direction of the Hon'ble High Court. Thus, we are of the clear view that the single Judge was fully justified in allowing the Writ Petition filed by Anbarasan.

18. Now, we move on to consider the appeal filed by the appellant Mr. J. Arul Anand Raja, who was the writ petitioner in W.P. (MD) No. 25168 of 2018.

19. As prefaced by us in this judgment, the writ petition filed by Mr. J. Arul Anand Raja, need not have been clubbed along with the writ petition filed by Mr. Anbarasan. Nevertheless having been clubbed together, the learned Single Judge has assigned separate reasons for dismissing the writ petition. The reasons assigned by the learned Single Judge are perfectly valid. Firstly, even assuming that the benefit of the Judgment given to Mr. Anbarasan is to be extended to the petitioner Mr. J. Arul Anand Raja, yet the appellant will not come within the zone of consideration. This has been clearly brought out by the learned Single Bench in paragraph No. 16 of the impugned order, which reads as follows:-

<https://hcservices.ecourts.gov.in/hcservices/> Insofar as W.P. (MD) No. 25168 of 2018 is



concerned, though all the above factors would apply to the petitioner in the said case, unfortunately for him he belongs to the Backward (BC) category. As per the affidavit filed by the Principal Secretary to the Government, Revenue Department dated 22.01.2019, it is seen that only 168 candidates did not join and 93 candidates left after joining prior to the cut off date (I.e.) on 01.07.2016. That takes the total to 261. Admittedly, the petitioner's rank is 1631 in the BC General category. The last person who was accommodated from BC(G) was 1152nd rank. Even if all the persons including the non joined candidates and candidates who left after joining the posts are taken into account, the petitioner will not come under the zone of consideration. Hence, the writ petition filed in W.P.(MD)NO.25168 of 2018 is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed."

20.It is a submission of Mr.J.John, learned counsel appearing for the appellant that the respondents have accommodated candidates from BC-General communal rank 1152, BC-General PSTM communal rank 1189, BC-General Women communal rank 1561 and BC Women PSTM communal rank upto 1582 before the cut off date viz., 07.07.2016 and 168 candidates did not join and 93 candidates left after the cut off date and 261 vacancies are available and if the communal rank was operated from 1582, the appellant would have come within the zone of consideration. The appellant has come under the reserve list in Serial No.49, out of 261. The said contention advanced by the learned counsel appearing for the appellant does not merit consideration and the interpretation sought to be given for cooling of vacancies, which are reserved for different categories, into one cannot be countenanced. The appellant had participated in the selection, notified in the year 2014-15 vide notification dated 12.11.2015. The results of the selection were published on 01.07.2016. The appellant's contention is that up to the year 2017, the selection was going on, the counselling was being done and vacancies were being filled up and therefore, the vacancies arose in BC-General category as well as the vacancies in other categories in BC should be reckoned and the appellant should be considered. This argument is not tenable. Further, the reasons for operating the selection list for 2014-15 upto the year 2017 was on account of the fact that no notifications were issued for 2015-16 and 2016-17. Thus, on and after the publication of the results for the selection notified in 2017-18 i.e., 14.11.2017, the waiting list for 2014-15 cannot be operated. This being the correct legal position, the appellant has not made out any ground to interfere with the order passed by the learned Single Bench.



21. In the result, these writ appeals are dismissed and the order and direction issued by the learned Single Bench is directed to be implemented within a period of three weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

sj/sji/mrn

To

1. The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 007.

+1 CC to M/s.D.SIVARAMAN, Advocate SR-97037
+1 CC to M/s.G.JEREMIAH, Advocate SR-97130
+1CC TO MR.K.K.SENTHIL, Advocate Sr. No.97335
+1CC TO MR.A.RAHUL, Advocate Sr. No. 97215
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 96979

W.A. (MD) Nos. 746, 866 and 1219 of 2019
07.11.2019

DB (CO)

TR(05.12.2019) 13P 7C