

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11724 of 2013

And

M.P.No.1 of 2013

- 1.T.Kumar
- 2.C.Suresh
- 3.M.Saravanan
- 4.R.Sakthivel
- 5.P.Velmurugan
- 6.L.Rajendran
- 7.VP.Sakthi
- 8.A.Marappan
- 9.M.Jayasurya

... Petitioners

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.
2. The Government of Tamil Nadu, rep by its
Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St.George,
Chennai - 600 009.
3. The Government of Tamil Nadu, rep by its
Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.
4. The Government of Tamil Nadu, rep by its
Secretary to Government,
Commercial Taxes and Registration Department,
Fort St.George,
Chennai - 600 009.

5. The Government of Tamil Nadu, rep by its
Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Fort St.George,
Chennai - 600 009.

6. The Tamil Nadu State Level Scrutiny Committee,
Rep by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat,
Chennai - 600 009.

7. The Chairman
District Level Vigilance Committee,
Madurai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 6th respondent and 7th respondent Committee to scrutinize the community certificate of the petitioners expeditiously and consequentially direct the 1st to 5th respondents to issue Final Appointment Orders to the petitioners in the posts selected in Common Subordinate Services Examination-I, 2009-2011.

For Petitioners : Mr.Bratheesh
for M/s.K.Ramasamy
For Respondents : Mr.N.Balamurali Krishnan for R1
Standing Counsel for TNPSC
Mr.S.Thangavel for R2 to R6
Special Government Pleader

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 6 and 7 to scrutinize the community certificate of the petitioners expeditiously and to consequentially direct the respondents 1 to 5 to issue Final Appointment Orders to the petitioners in the posts selected in Common Subordinate Services Examination-I, 2009-2011.

2.The case of the petitioners is that the petitioners 1 to 8 belong to Scheduled Tribe (Malayali) Community and the ninth petitioner belong to Scheduled Caste (Adi Dravida) Community. The petitioners applied for and participated in the different posts included in the Common Subordinate Services Examination-I, 2009-2011 (Group II Examinations) conducted by the first respondent in the year 2011-2012 and are working as Village Administrative Officers from June, 2012 pursuant to their

selection in the recruitment conducted by the first respondent in the year 2011-2012.

3.It is the further case of the petitioners that though they were selected and are working, they were not issued with appointment orders and that the first respondent is delaying the issuance of appointment orders stating that only after their community certificates are verified by the State Level Scrutiny Committee, appointment orders would be passed. In this regard, the petitioners made several representations to the respondents and aggrieved by the inaction, the petitioners have filed this writ petition.

4.The learned counsel appearing for the petitioners would submit that the petitioners obtained the community certificates from the respective Authorities and are genuine, however, till the filing of this writ petition, their community certificates were not scrutinized by the State Level Scrutiny Committee.

5.The learned Special Government Pleader would submit that insofar as the petitioners 1 to 8, except sixth petitioner, are concerned, their community certificates were scrutinized and appropriate orders were issued admitting their caste. Insofar as the sixth petitioner is concerned, scrutinization of his community certificate is almost over and appropriate order would be issued within a period of four weeks from the date of receipt of a copy of this order. Insofar as the ninth petitioner is concerned, no communication has been received by the District Level Scrutiny Committee for scrutinizing his community certificate.

6.The learned Special Government Pleader would further submit that the Tamil Nadu Public Service Commission is a recruiting agency and it has no locus standi to issue direction for verification of the community certificate and would further submit that only the employer of the ninth petitioner can send communication to the State Level Scrutiny Committee for verification of the ninth petitioner's community certificate.

7.In view of the submissions made by the learned Special Government Pleader, this Court directs the State Level Scrutiny Committee to complete the scrutinization of the sixth petitioner's community certificate and to pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. Further direction is issued to the employer of the ninth petitioner to send communication to the District Level Scrutiny Committee for scrutinization of the ninth petitioner's community certificate and as soon as the said communication is received from the employer of the ninth petitioner, the District Level Scrutiny Committee shall

scrutinize the community certificate of the ninth petitioner and shall pass appropriate orders, as expeditiously as possible.

8.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.
2. The Secretary to Government,
The Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
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Co-operation, Food and Consumer Protection Department,
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6. The Chairman,
The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
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Chennai - 600 009.

7. The Chairman
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Madurai.

+1 cc to the Government Pleader, Advocate Sr.No.28352

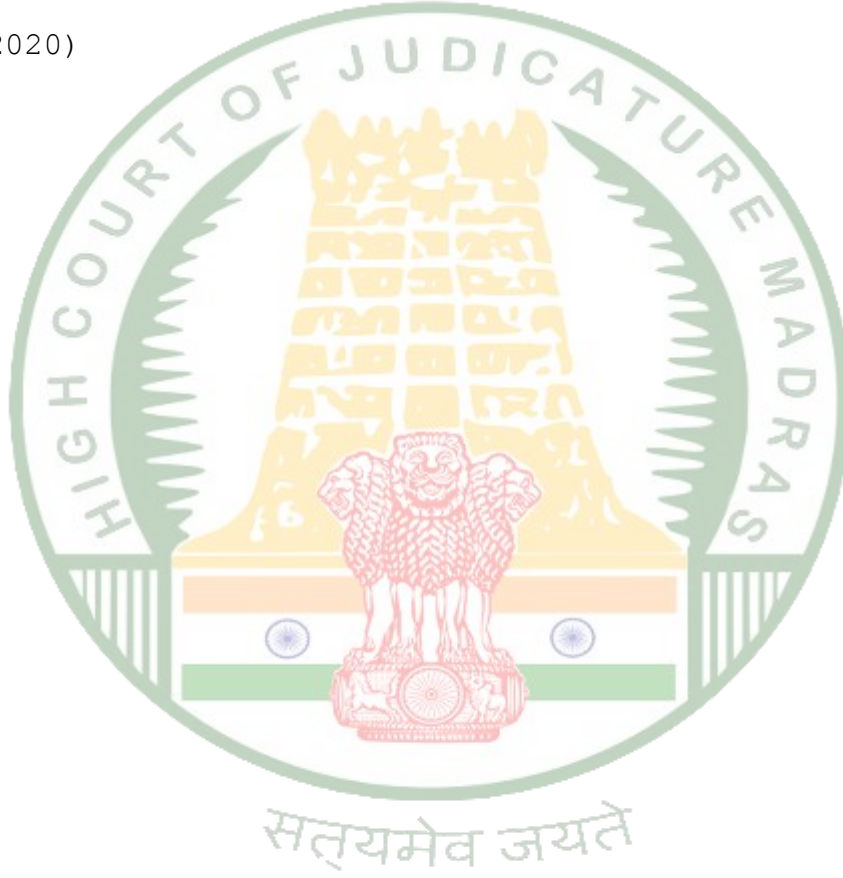
+1 cc to Mr.J.Pradeep, Advocate Sr.No. 28105

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