



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.1839 of 2013

U. Manimekalai

... Petitioner

Vs

The Deputy Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.

... Respondent

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue of a Writ of Certiorarified Mandamus seeking to call for the entire records connected with the impugned order of the respondent in Memorandum No.306/OTD-B2/2007, dated 03.01.2013 and quash the same and consequently direct the respondent to issue appointment order to the petitioner in the post of Draughtsman, Grade-III in the Town and Country Planning Department under SC- General Category forthwith.

For Petitioner : Mr.S.Sathia Chandran

For Respondent : Dr.M. Devendran

ORDER

This writ petition has been filed by the petitioner seeking to call for the entire records connected with the impugned order of the respondent in Memorandum No.306/OTD-B2/2007, dated 03.01.2013 and quash the same and consequently direct the respondent to issue appointment order to the petitioner in the post of Draughtsman, Grade-III in the Town and Country Planning Department under SC- General Category forthwith.

2. Brief facts set out in the petition are that a notification was issued by the respondent/Tamil Nadu Public Service Commission (TNPSC) by way of advertisement No.153, dated 09.02.2008 inviting applications for direct recruitment in respect of the vacancies for the year 2006-2007 for the post of Assistant Director and Draughtsman Grade-III in the Town and Country Planning Department. In the said notification, out of nine vacancies of Draughtsman Grade-III, one was earmarked for SC General category and one vacancy was reserved for SC Women.



3. According to the writ petitioner, she was called for a written test, which was to be held on 25.05.2008 and subsequently, she received a call letter in Memorandum No.306/OTD-B/2007, dated 03.01.2009 issued by the Joint Secretary of the respondent/Commission, calling upon her to appear for an oral test as well as for verification of certificates on 22.01.2009 in the office of the respondent. Thereafter, in and by a Memorandum No.306/OTD-B2/2007, dated 04.02.2009, the Secretary of the respondent/Commission intimated her that on the basis of the marks she had obtained in the written test as well as oral test, she was selected and placed under the reserve list. Thereafter, she made a representation on 23.08.2010 to the Honourable Chief Minister as well as the authorities concerned to consider her appointment as per the reserve list to the post of Draughtsman, Grade-III in the Town and Country Planning Department. The said representation was forwarded to the respondent and the petitioner received a reply, vide Memo No.5074/OTD-B/2010, dated 08.03.2011. She did not receive any correspondence from the respondent for nearly a year. By an application dated 24.09.2010, she sought information under the RTI Act from the Directorate of Town and Country Planning Department, Chennai, regarding the status of selected candidates for the said post. In the said selection list, one Arumugam, who was placed under SC-General category, did not report for duty and one Srinivasan also did not report for duty. In the meanwhile, the post of Draughtsman Grade - III reserved for SC-General remained vacant. On the other hand, the only post reserved for SC-Women got filled up, as one Ms.Saritha had assumed office against that post, but the petitioner had been selected and kept in the reserve list under SC-Women category. Therefore, the respondent has not passed any order on the petitioner's representation, and hence, the respondent has to consider the petitioner's representations dated 23.08.2010, 09.03.2011 & 20.08.2011. Hence, the petitioner has come forward with the present writ petition before this Court.

4. Dr.M.Devendran, learned Standing Counsel appearing for the respondent/Tamil Nadu Public Service Commission (TNPSC) submitted that the petitioner has made a communication to the respondent by stating that one Sankarapandian, is also coming under the SC-General category. The writ petitioner had secured only 117.50 marks, whereas, the said Sankarapandian had secured 163.50 marks.

5. It is seen that based on the total marks obtained by the candidates both in the written examination and in oral test, following the Rule of reservation, age, educational qualification and number of vacancies, the selection for the said recruitment had been finalized. It is also seen that the petitioner who had not been selected for appointment to the



said post, was placed in the reserve list under SC(W) category and with reference to the reserve list operation, it is submitted that as per Rule 15-A under Part-I Preliminary of the General Rules for Tamil Nadu State and Subordinate Services, reserve list was prepared so as to contain not less than 25% of the candidates of each reservation group including General Turn. It is submitted that supplemental selection was made from the Reserve List for the vacancy that caused due to non-joining of candidate, namely R.Arumugam, who had been selected to the said post under SC (General) category and the said candidate R.Srinivasan, who had scored higher marks (178.50) than the petitioner and placed in Reserve List under SC (General) category, had been selected under supplementary selection to the said vacancy. It is further submitted that as the supplementary selected candidate R.Srinivasan, who had not joined duty in the post of Draughtsman Grade-III, that SC (General) vacancy was filled by another SC candidate, namely Sankarapandian from the rank list, who had scored higher marks (163.50) than the petitioner. As the petitioner had scored only 117.00 marks and placed under the Reserve List only under SC (Women) category, she could be supplementary selected as against the SC (Women) vacancy only.

6. Further, the learned Standing Counsel has relied upon the averments made in the counter affidavit and submitted that the writ petitioner was not considered to the post under SC (General) category. She was placed in Serial No.1, Reserve List for SC (Women) category concerned. She had secured only 117.50 marks, whereas the selected candidate, namely Sankarapandian, had secured marks 163.50 marks in SC (General) category.

7. Considering the facts and circumstances of the case, there is no need to interfere with the impugned order passed by the respondent/TNPSC. Hence, there is no force in the contentions of the petitioner and consequently, the writ petition is devoid of merits and the same is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar



To

The Deputy Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.

+1 cc to M/s.S.Sathiachandran, advocate, sr.6151.

sj(co)
krd 15/7

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