



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.9134 of 2020

and

W.M.P. (MD)Nos.8352 and 8354 of 2020

P.Sekar

...Petitioner

Vs

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.

2.The Joint Director,
Ex Servicemen Welfare Directorate,
Chennai - 600 003.

3.The Deputy Director,
Ex Servicemen Welfare,
Theni District, Theni - 625 531.

4.Veerabhadra P.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus to call for the records pertaining to the appointment Letter in Na.Ka.No.16000/2020/Partho/3(4), dated 16/03/2020 issued under the authority of the 1st respondent and quash the same as arbitrary and illegal and consequently to direct the 1st respondent to appoint the petitioner in place of 4th respondent, Veerabhadra (Reg.No.240108009).

For Petitioner	: Mr.L.Rajiah
For R1	: Mr.D.Sivaraman
	Standing Counsel
For R2 and R3	: Mr.K.P.Narayanakumar
	Special Government Pleader
For R4	: Mr.G.Prabhurajadurai

ORDER

This Writ Petition is filed to quash the impugned order passed in Na.Ka.No.16000/2020/Partho/3(4), dated 16.03.2020 by the 1st respondent and to direct the 1st respondent to appoint the petitioner in the place of 4th respondent herein, Veerabhadra.

2.The learned counsel appearing for the petitioner would submit that both the petitioner as well as the 4th respondent herein are ex-service men. The petitioner applied and participated in the TNPSC Group-II



service of Tamilnadu (CCSE-II-2018) examination and had successfully completed his written examination and interview and therefore, he was called for counselling. During counselling, the petitioner came to know about the fact that the post of Senior Inspector of Co-operative Society, GP-C has been allotted to the 4th respondent herein, who suppressed the factum of his appointment in Tamilnadu Grama Bank and got bonafide certificate and participated in the counselling by submitting a No Objection Certificate, which is contrary to the provision of G.O.Ms.No.89, Personnel and Administrative Reforms (S) Department, dated 12.08.2015.

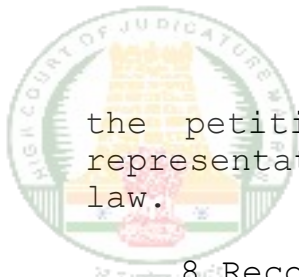
3.The learned counsel would further submit that the petitioner secured 130 marks and now is in the 1st place in the waiting list for employment. If the 4th respondent's candidature, who secured 140.50 marks, is rejected, on the basis of the second employment, the petitioner would obtain the employment. In this regard, the petitioner has made a representation, dated 01.10.2020 to the 2nd respondent / the Joint Registrar (Finance and Banking), Chennai, with regard to the operation of the reserve list of vacancies.

4.On the other hand, Mr.D.Sivaraman, learned Standing Counsel appearing for the 1st respondent would submit that at the time of application, the 4th respondent stated that he joined duty in the Tamilnadu Grama Bank with effect from 18.07.2019. He would further submit that the Tamilnadu Grama Bank is a scheduled bank, which is not under the Tamilnadu State or Subordinate Services purview. The learned Standing Counsel therefore would submit that as a first chance, the 4th respondent got opportunities, based on the marks obtained by him.

5.For the aforesaid submission, the learned counsel appearing for the petitioner would submit that one R.Balaji, who was selected and appointed under the ex-service man category, had resigned the job and now, one vacancy arose. He would therefore submit that the petitioner may be considered for the said post.

6.Though the writ petition is filed for a larger relief seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed in Na.Ka.No.16000/2020/Pa tho/3(4), dated 16.03.2020 by the 1st respondent and to direct the 1st respondent to appoint the petitioner in the place of 4th respondent herein, Veerbhagu, the learned counsel appearing for the petitioner in the course of his argument, restricted the relief for granting liberty to the petitioner to make a fresh representation, due to the vacancy arose consequent to the resignation of one R.Balaji, who had resigned the job, to the Secretary to the Cooperative Societies Department, Chennai, who is the competent authority.

7.The learned counsel appearing for the respondents have also agreed with the submission made by the learned counsel appearing for



the petitioner and submit that in such case, the petitioner's representation will be considered on merits and in accordance with law.

8. Recording the submission made by the learned counsel on either side and considering the facts and circumstances of the case, this Court is inclined to pass the following direction:-

i) the petitioner is at liberty to give a detailed representation to the Secretary to the Cooperative Societies Department, Chennai, to workout his remedy, within a period of two weeks from the date of receipt of a copy of this order; and

ii) on receipt of such representation within the stipulated time granted by this Court, the Secretary to the Cooperative Societies Department, Chennai, is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks therefrom;

9. With such liberty as well as the direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Joint Director,
Ex Servicemen Welfare Directorate, Chennai - 600 003.
2. The Deputy Director,
Ex Servicemen Welfare, Theni District, Theni - 625 531.
3. The Secretary to the Cooperative Societies Department, Chennai.

+1CC to Mr.D.Sivaraman, Sr.No.26504 dated 21/12/2020

+1CC to Mr.G.Prabhu Rajadurai, Sr.No.26494 dated 21/12/2020

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18.12.2020

ES (CO)

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