



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD) No.19852 of 2018

and

W.M.P.(MD) Nos.17632, 17633 and 17634 of 2018

T.Maragatham

... Petitioner

/vs./

Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai-3.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in his proceedings in dated 30.08.2018 and quash the same and direct the respondent to consider the petitioner for appointment to the post of Executive Officer Grade-I under MBC/DC-General Category as per the marks obtained in the selection process.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.K.K.Senthil
Standing Counsel

ORDER

The petitioner herein had participated in the selection process pursuant to the notification, dated 14.11.2017 for the post of Executive Officer Grade I in the Tamil Nadu Hindu Religious and Charitable Endowments Department. The petitioner, among the four posts, for which the selection process was notified, seeks to claim benefit for the one post reserved under the category of MBC/DC-General. The petitioner seems to be aggrieved, since she had qualified herself in the written examination and her candidature has been rejected later on the ground that the post under MBC/DC-General category has now been allotted towards differently abled persons.



2.The learned counsel for the petitioner would submit that once the notification has earmarked one post under the category of MBC-General, the respondent is not entitled to proceed with the selection for different category namely, differently abled persons. He would further submit that in view of Clause-2 of the notification, dated 14.11.2017, which, reserves one post under MBC/DC-General, the respondent is not entitled to allot such a post for differently abled persons.

3.The learned Standing Counsel appearing for the respondent would submit that the notification itself provides for allotment of the said vacancy towards differently abled persons under Clause-12 (f). He would further submit that the notification informs the candidates that the number of vacancies are liable for modification and in view of Clause-12(f), one post has now been identified to be suitable for differently abled persons. Therefore, there is no infirmity in the selection process.

4.The ground on which the petitioner has filed the present writ petition is that the respondent cannot deviate from the selection process, when they had notified four vacancies for the categories mentioned therein. The petitioner has not brought to the notice of this Court about the general information in the notification, which entitles to allot the post for differently abled persons, as and when the post is identified suitably for such a person. When the petitioner had subjected himself to the selection process based on the conditions in the notification, in which, one such condition in the notification was that the post for which MBC/DC General category could be allotted in favour of differently abled persons category, as and when such post is identified to be suitable, the petitioner cannot now retract from the condition and choose Clause-2 alone, which is suitable to her and not refer to Clause-12(f).

5.While that being so, I do not find any infirmity in the selection process and this Court is of the view that the respondent has not deviated from the selection process, particularly when it was informed to the candidates that this post can always be allotted to a differently abled person.

6.Incidentally, Clause-12(f) of the notification came to be introduced, pursuant to the Government order in G.O.Ms.21, Welfare of Differently Abled Persons (DAP) Department, dated 30.05.2017, which mandates that Section 27 (b) of the Tamil Nadu Government Servants (Conditions of Service) Act should be amended by providing reservation of not less than 4% to the Differently Abled Persons. The aforesaid Act has also been suitably amended with effect from 19.04.2017. The notification came to be published after the date, from which, such reservation was inserted through the amendment.



Since the respondent has now identified that this post is suitable for Differently Abled persons, the selection process cannot be found fault. As such, I do not find any merit in the grounds raised by the petitioner.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai-3.

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-4940[F]
+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-4964[F]

Order made in
W.P. (MD) No.19852 of 2018
04.02.2020

sjj
SDS (11.03.2020) 3P-4C