

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 2511 of 2012

M.Latha

... Petitioner

-vs-

The Tamil Nadu Public Service Commission,  
Represented by its Secretary,  
Greams Road,  
Chennai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to publish the result of the petitioner with her Register No.16607035 and select her provisionally for appointment by direct recruitment to the post of Village Administrative Officer in Tamil Nadu Ministerial Service, 2006 based on the written examination held on 10.06.2007.

For Petitioner : Mr.V.Jeevagiridharan  
For Respondent : Mr.N.Balamuralikrishnan  
Standing counsel for TNPSC

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to publish the result of the petitioner with her Register No.16607035 and select her provisionally for appointment by direct recruitment to the post of Village Administrative Officer in Tamil Nadu Ministerial Service, 2006 based on the written examination held on 10.06.2007.

2. The petitioner participated in the selection process conducted by the respondent Service Commission for the appointment to the post of Village Administrative Officer in the Tamil Nadu Ministerial Service for the year 2006.

3. In the said selection, according to the petitioner, he was selected and has been kept in the Reserve List. Therefore, immediately after giving postings to the regular selectees, they should have operated the Reserve List and in the Reserve List, certainly, the petitioner who had been in the first place could have been appointed and since, no such move has come from the respondent Service Commission, the petitioner has filed this Writ Petition with the aforesaid prayer.

4. Reiterating the aforesaid, the learned counsel appearing for the petitioner would submit that, the petitioner would be entitled to get the appointment in view of the selection having been made, where the petitioner's candidature has been placed in

the Reserve List.

5. However, Mr.N.Balamuralikrishnan, learned Standing counsel appearing for the respondent has relied upon the following averments made in the counter affidavit filed by the respondent, which reads thus:

"5. It is submitted that the candidate Tmt.M.Latha has been placed in the Reserve List against ST(G) in 5th place and ST (DW) in the first place. As she has been placed in the 5th place in ST(G) category and no vacancy has arisen for ST(DW) category she is not selected, for the post of VAO-2006 from the Reserve List. She has not reached her rank for selection from reserve list in her category."

6. By relying upon the same it was pointed out by the learned Standing counsel appearing for the respondent that, no doubt, but it became clear that the petitioner, after selection process, based on the marks she obtained, had been placed in the 5th place in the Reserve List against ST(G) and first place in the Reserve List for ST(DW).

7. He would also submit that, in both categories, there had been no vacancies arisen for accommodating the petitioner and thereafter, the next selection was made. Therefore, the petitioner could have not been given selection and appointment even though she has been placed in the Reserve List.

8. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

9. As has been rightly pointed out by the learned Standing counsel appearing for the respondent Service Commission, though the petitioner found place in the Reserve List against ST(G) and ST(DW) and was placed at 5th and 1st position respectfully in the list, the said list could not have been moved further for want of vacancies. Therefore, in this regard, he cannot put blame on the Service Commission for not having sending the candidature of the petitioner for appointment.

10. Therefore, the prayer sought for in this Writ Petition cannot be granted. Accordingly, this Writ Petition fails and hence, it is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji  
To

The Secretary,  
The Tamil Nadu Public Service Commission,  
Greens Road, Chennai.

W.P. No. 2511 of 2012

PMK (CO)  
NS (13/05/2021)



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