

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2021

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THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 6930 of 2011
and

W.M.P. Nos. 1 and 2 of 2011

1. A.Gopalakrishnan
2. V.M.Meeran Mohideen

...Petitioners

-vs-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Personnel and Administrative Reforms,
Forst St.George,
Chennai - 600 009.
2. The Tamil Nadu Public Service Commission,
Represented by its Secretary,
No. 1, Greams Road,
Chennai - 6.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to appoint the petitioners to the post of Steno Typists and Typists in the vacancies notified by the second respondent in its notification dated 18.06.2009 for conducting Special Competitive Examination.

For Petitioner : No appearance

For Respondents : Ms.K.Bhuvaneswari
Additional Govt. Pleader for R1
Mr.M.Balamuralikrishnan
Standing Counsel - TNPSC for R2

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O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the second respondent to appoint the petitioners to the post of Steno Typists and Typists in the vacancies notified by the second respondent in its notification dated 18.06.2009 for conducting Special Competitive Examination.

2. These petitioners were initially working as Steno Typist Grade-III and Typist in various departments under Rule 10(a)(1) of Tamil Nadu Ministerial Service Rule on time scale basis. The first respondent by issuing G.O.Ms.No.61 dated 22.05.2009 directed the second respondent to conduct a Special Competitive Exam for Steno Typist Grade-III and Typist, who were appointed temporarily as per G.O.Ms.No.205 dated 09.11.2006. The petitioners also appeared in the said examination and according to them, they were found successful. However, the petitioners were not given regular appointment orders due to the fact that, the petitioners were already employed with the Vigilance and Anti Corruption Department and Municipal Administration Department, to the posts of Steno Typist Grade III and Typist. Therefore, aggrieved over the same, they filed the present Writ Petition.

3. When the case is called, there is no representation for the petitioners. However, Mr.M.Balamuralikrishnan, learned Standing Counsel appearing for the second respondent / Tamil Nadu Public Service Commission, having relied upon the written instructions of the second respondent would submit that, admittedly, these two petitioners, though were initially worked under 10(a)(1) of the rule concerned, had participated in Group-IV Examination for the year 2006-2007 and on merits, they became successful and were selected for the said post and allotted to Vigilance and Anti Corruption Department as well as Municipal Administration Department, respectively, where admittedly they were working.

4. When that being so, without disclosing the same, since the petitioners have also participated in the current recruitment of 2009, which is a Special Competitive Examination, i.e., only for the candidates, who were already working temporarily under 10(a)(1) basis and they alone could participate and in that category, the petitioners have also applied and participated in the Special Competitive Examination of 2009. However, at the time of verification, the second respondent came to know that, these petitioners have already been participated in 2006-2007 regular recruitment and were selected for appointment to the post of Typist, i.e., Group IV Services and in fact, they have already been allotted a department, of course, to Vigilance and Anti Corruption Department and Municipal Administration Department respectively.

5. When that being so, there is no locus standi for participating in the Special Competitive Examination, since that was only meant for those who were working under 10(a)(1). Therefore, the candidature of the petitioners have been rejected, as they have already been selected and have been working.

6. In this context, the respondents selected two other persons, who were similarly placed that of the petitioners, i.e., even though earlier, they were selected and appointed, however had subsequently been permitted to participate in the current recruitment by way of Special Competitive Examination. Accordingly, they were selected and allotted to the department concerned. However, the learned Standing counsel appearing for the second respondent relied upon the instructions to that effect given by the second respondent and would submit that, in respect of those candidates since inadvertently, their selection have been made it has been reported to the Government to remove them and the process is going on. Therefore, such a wrong process cannot be taken as aid of the petitioners, he contended.

7. I have considered the said submissions made by the learned Standing counsel appearing for the second respondent and have perused the materials placed before this Court.

8. It is a fact that, these petitioners have participated in the earlier regular recruitment of Group-IV Services for the year 2006-2007 and they become successful and were selected for the said post and allotted in the departments also.

9. When that being the position, they cannot once again participate in the present recruitment, which is not a recruitment for open market candidates, but it is a recruitment for 10(a)(1) temporary service candidates by way of Limited Competitive Examination. Therefore, as has been pointed out by the learned Standing counsel appearing for the second respondent, they may not have any locus standi to participate in this examination, nevertheless they participated and they were permitted to write the examination i.e., Limited Competitive Examination, hence that would not confer any right on them to seek indulgence to give a direction to select them in current recruitment which is only meant for persons working under 10(a)(1) by way of Limited Competitive Examination.

10. In that view of the matter, this Court feels that, the prayer sought for by the petitioners cannot be granted. Accordingly, this Writ Petition fails and hence, it is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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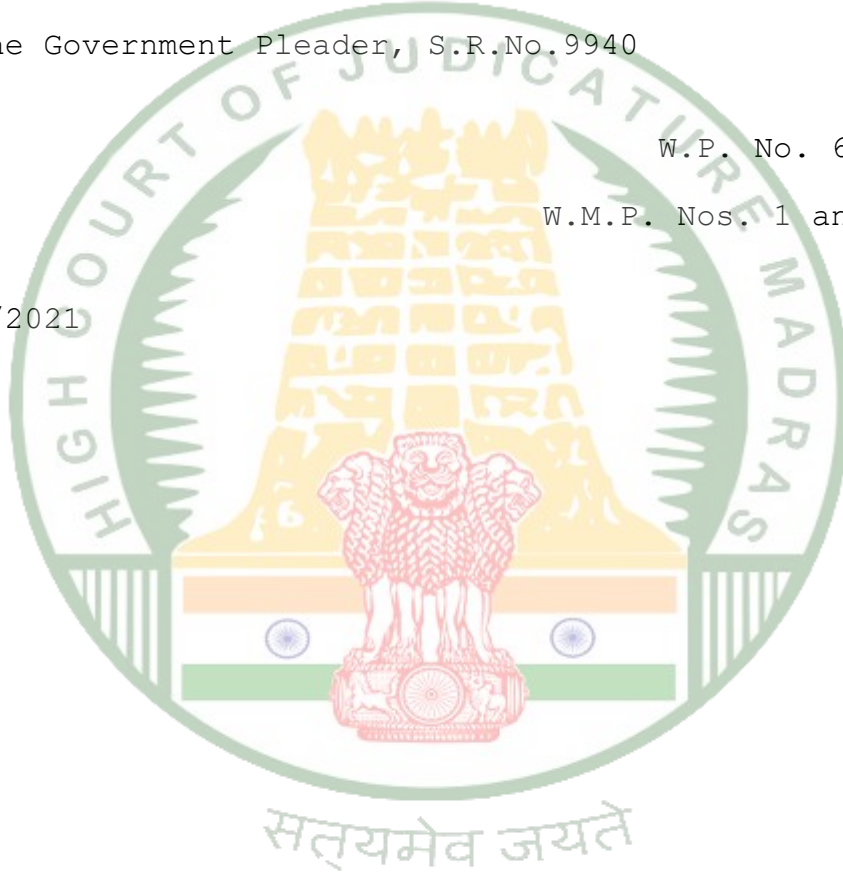
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+1cc to the Government Pleader, S.R.No.9940

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