



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD) No. 9162 of 2011

and

M.P. (MD) Nos. 2 of 2011 and 1 of 2015

K.Vanathi

... Petitioner

Vs.

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

2.The Secretary,
Personnel and Administrative
Reforms Department,
Fort St.George,
Chennai-9.

3.Jairulaptheen

4.A.Sivapriya ... Respondents
(R.3 and R.4 are impleaded as respondents
vide order of this Court, dated 30.07.2012)

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned selection list for appointment by direct recruitment to the posts included in Group I Services, 2008-2010, dated 29.06.2011, on the file of the first respondent and quash the same as illegal in respect of selection of the petitioner in the post of Assistant Director of Rural Development Department in the Tamil Nadu Panchayat Development Service and consequently to consider the petitioner for the 13th post of Deputy Collector under MBC/DC Category as per G.O.No.65, Personnel and Administrative Reforms(K) Department, dated 27.05.2009, with consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.K.Senthil,
Standing Counsel for R.1



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: Mr.D.Muruganantham
Additional Government Pleader
for R.2

: Mr.Suhail
for M/s Ajmal Associates
for R.3

: Mr.S.P.Maharajan
for R.4

* * * * *

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned selection list for appointment by direct recruitment to the posts included in Group I Services, 2008-2010, dated 29.06.2011, on the file of the first respondent and quash the same as illegal in respect of selection of the petitioner in the post of Assistant Director of Rural Development Department in the Tamil Nadu Panchayat Development Service and consequently to consider the petitioner for the 13th post of Deputy Collector under MBC/DC Category as per G.O.No.65, Personnel and Administrative Reforms(K) Department, dated 27.05.2009, with consequential benefits.

2. The case of the petitioner is that she applied for the recruitment of Group-I Service 2008-2011 Examination. The scheme of examination is preliminary examination and main examination and oral test. The petitioner got selected in the oral test and the Tamil Nadu Public Service Commission(TNPSC) had published marks in their official web site and the petitioner scored 414 marks in the main written examination. As per her mark in the main written examination, her name was placed third in the MBC/DC category of merit list. In the year 2010 Group-I Service recruitment, the TNPSC had recruited 61 Group-I posts and among 61 posts, the TNPSC had recruited 13 Deputy Collector posts. The TNPSC had been following 200 point roster G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, with effect from 29.04.2009. As per the communal reservation chart, the petitioner's name was placed at 13th rank of merit list. Hence, she should be allotted the 13th post of Deputy Collector in the recruitment. However, the TNPSC allocated to the petitioner to the post of Assistant Director of Rural Development Department in the Tamil Nadu Panchayat Development Service and kept her name in first position in the reserve list for the post of Deputy Collector.



3. The grievance of the petitioner is that G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009 was wrongly adopted in respect of the petitioner. The Government Order applicable to the petitioner is G.O.Ms.No.241, Personnel and Administrative Reforms (K) Department, dated 29.10.2007. For wrong application of Government Order, the petitioner has been deprived for the post of Deputy Collector. Hence, she filed the present Writ Petition seeking the above stated relief.

4. Learned Counsel appearing for the petitioner would submit that for wrong application of Government Order which was issued subsequent to the recruitment of the petitioner, the petitioner was not able to get the post of Deputy Collector. If G.O.Ms.No.241, Personnel and Administrative Reforms (K) Department, dated 29.10.2007 is applied, which was issued prior to the recruitment of the petitioner, then the petitioner is entitled to get 13th post of Deputy Collector. Hence, the learned Counsel appearing for the petitioner would pray for appropriate orders.

5. Per contra, the learned Counsel appearing for the first respondent would submit that the Government in G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009 had also informed that the selections/appointment, if any already made with reference to the 200 point roster prescribed in the Government Orders first, second and third viz., G.O.Ms.No.241, Personnel and Administrative Reforms (K) Department, dated 29.10.2007, G.O.Ms.No.101, Personnel and Administrative Reforms (K) Department, dated 30.05.2008 and G.O.Ms.No.206, Personnel and Administrative Reforms (K) Department, dated 06.11.2008 need not be reopened and for further selection/appointments, the revised roster prescribed in G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009 shall be continued by the recruiting agencies/appointing authorities from the last turn up to which the selection was already made.

6. He would further submit that in the light of G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, the first respondent had followed G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009 for the year 2008-2010 from the 15th turn, since 1 to 14th turn as per the revised 200 point roster was already over in the year 2007-2009 recruitment itself and therefore, the selection for direct recruitment to the posts included in Group-I Service for the years 2008-2010 has been finalized as per the Government Orders and hence, there is no deviation in the selection made by the Tamil Nadu Public Service



Commission.

7. Learned Counsel appearing for the first respondent would further submit that challenging the very same G.O.Ms.No. 65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, the very same petitioner filed a writ petition before this Court in W.P.(MD)No.18831 of 2013 and the same was dismissed on 25.11.2013. Hence, the petitioner cannot reiterate the same issue in the present writ petition.

8. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondents and perused the materials placed on record.

9. The facts in the present case are not in dispute. G.O.Ms.No.241, Personnel and Administrative Reforms (K) Department was issued on 29.10.2007, for which the 13th rank has to be allotted to MBC/DC. However, according to the Tamil Nadu Public Service Commission, the earlier G.O.Ms.No.241, Personnel and Administrative Reforms (K) Department, dated 29.10.2007 and subsequent G.O.Ms.No. 65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, has followed 200 point roster. The recruitment for the selection for direct recruitment to the posts including Group-I service, the turn 1 to 14 as per the revised 200 point roster was already over in the 2007-2009 recruitment itself and subsequently, the Group-I service recruitment was made as per 200 point roster, as per G.O.Ms.No.65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, from 15th turn onwards. Hence, applying the Government Order in G.O.Ms.No. 65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, the appointment was made in favour of the petitioner.

10. It is also pertinent to note that challenging the very same G.O. G.O.Ms.No. 65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, the petitioner herein filed a writ petition before this Court in W.P.(MD)No.18831 of 2013 and the same was dismissed on 25.11.2013.

11. In view of the above it is made clear that G.O.Ms.No. 65, Personnel and Administrative Reforms (K) Department, dated 27.05.2009, was implemented with effect from 29.04.2009 by following 200 point roster and the petitioner was also appointed on 30.03.2012 as Assistant Director of Rural Development Department in the Tamil Nadu Panchayat Development Service. Therefore, this Court does not find any reason to interfere with the impugned order.



12. For the reasons aforesaid, this Writ Petition is dismissed as there is no substance and merit therein. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

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Sd/-

Assistant Registrar(AD-II)

// True Copy //

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Sub Assistant Registrar(CS)

SSL

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

2.The Secretary,
Personnel and Administrative
Reforms Department,
Fort St.George, Chennai-9.

+1 CC to M/s.GP (SR-968[F] dated 18/01/2021)
+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-749[F] dated 11/01/2021)
+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-737[F] dated 11/01/2021)
+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-867[F] dated 11/01/2021)
+1 CC to M/s.K.K.SENTHIL, Advocate (SR-831[F] dated 11/01/2021)

W.P(MD)No.9162 of 2011
08.01.2021

PM(CO)
TR(22.01.2021) 5P 8C