



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3307 of 2021

and

W.M.P(MD) Nos.2653, 2654, 2655 and 2657 of 2021

WEB COPY

Pravin Kumar

...Petitioner

Vs.

1.The State of Tamil Nadu,

Represented by its Principal Secretary,

Home Department,

Secretariat, Chennai-600 009.

2.The Chairman,

Tamil Nadu Uniform Service Recruitment Board,

Old Commissioner of Police Office Campus,

Egmore, Chennai-600 008.

3.The Member Secretary,

Tamil Nadu Uniform Service Recruitment Board,

Old Commissioner of Police Office Campus,

Egmore, Chennai-600 008.

4.The Director General of Police,

O/o. the Director General of Police,

Dr.Radhakrishnan Salai,

Chennai-600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification issued by the third respondent vide notification No.2/2019 dated 08.03.2019 in so far as the applying the PSTM reservation after completion of the entire selection process is concerned and the consequential impugned provisional selection list passed by the second respondent vide his proceedings RC.No.860/R2/TNUSRB/2019 dated 01.12.2020 and quash the same as illegal and consequently to direct the respondents to apply person studied with Tamil Medium-(PSTM) reservation at the stage of Viva Voce strictly in term of the G.O.Ms.No.145, Personnel and Administration Reforms(s) Department dated 30.09.2010 and consequently to consider the petitioner's candidature for appointment to the post of Sub Inspector of Police under PSTM category.

For Petitioner

: Mr.R.Karunanidhi

For Respondents

: Mr.K.chellapandian

Additional Advocate General



O R D E R

The petitioner herein had participated in the recruitment process conducted by the Tamil Nadu Uniform Service Recruitment Board in their notification dated 08.03.2019, for the post of Sub Inspector of Police. After qualifying in the written examination and the physical endurance test, the petitioner's mark was derived at 62. The cut off mark for being selected provisionally was 64.

2.The case of the petitioner is that he had undertaken his medium of instruction in Tamil and the recruitment notification provides for 20% reservation for the persons, who had studied in Tamil Medium (PSTM). Since the respondent Board had applied 20% reservation under PSTM category at the final stage and not at every stage of selection, which is not permissible and therefore, if 20% reservation for PSTM is applied at every stage, he would come within the cut off mark for being considered for selection. In support of the same, the learned counsel relied upon an interim order of the Hon'ble Division Bench of this Court, dated 23.12.2020, passed in W.P(MD) No.19112 of 2020 etc.,

3.The learned Additional Advocate General for the respondents would however bring it to the notice of this Court that pursuant to the interim order of the Hon'ble Division Bench dated 23.12.2020, final orders came to be passed by the Hon'ble Division Bench in the same batch of cases on 10.02.2021, whereby the Hon'ble Division Bench was of the view that 20% reservation under PSTM category should be applied at every stage of selection and not at the final stage. However, by taking note of the fact that the selection process was over, the benefit of 20% reservation to PSTM candidates was extended to the petitioners before the Hon'ble Division Bench alone and the relief to the others was denied. The relevant portion of the order reads thus:

14. The incidental question is with respect to the relief to be given. We are in respect and agreement with the learned Senior Counsel appearing for the petitioners that there is no question of estoppel, as there is a fundamental error in following the law and therefore, a mere notification cannot be put against the Act. However, we are not dealing with a public interest litigation. Now, much water has flown under the bridge. We are at the final stage of viva-voce, which is actually going on. Therefore, the relief cannot be extended to all others. The learned Advocate General and the learned Additional Advocate General fairly submitted that the petitioners' case can be considered, provided they come within the cutoff marks, if they are treated as a separate category at every stage by following 20% reservation of PSTM category. Therefore, they may not be treated on par with



the other candidates, who would otherwise come under the reserved category or open category, as the case may be.

15. In view of the above, the respondents are directed to undertake such exercise, insofar as the petitioners before us alone are concerned and if they are otherwise eligible, by following the roster point for PSTM category within the other general category or reserved category, as the case maybe, they should be considered for the next stage of the recruitment process. After undertaking the said exercise, if the petitioners are entitled to, they should be given the appointments accordingly.

16. The writ petitions are allowed in the above terms. We place on record our appreciation for the fair submission made by the learned Counsel before us. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

4.The aforesaid order is self explanatory and therefore, the petitioner may not be in a position to claim the benefits under the order of the Hon'ble Division Bench of this Court, since the order restricts the relief only to the petitioners before the Hon'ble Division Bench. In view of the decision of the Hon'ble Division Bench, this court is unable to consider the ground raised by the petitioner in the present writ petition, seeking for 20% reservation under PSTM category.

5.Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

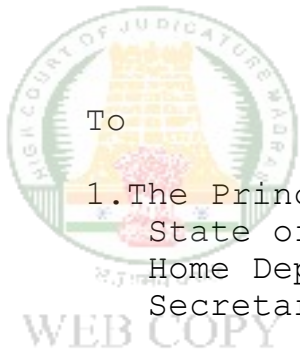
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Sub Assistant Registrar(CS)

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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 Principal Secretary,
State of Tamil Nadu,
Home Department,
Secretariat, Chennai-600 009.

2.The Chairman,
Tamil Nadu Uniform Service Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-600 008.

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4.The Director General of Police,
O/o. the Director General of Police,
Dr.Radhakrishnan Salai,
Chennai-600 004.`

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-6275[F] dated 19/02/2021)

W.P.(MD) No.3307 of 2021
19.02.2021

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