



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Judgment	Date of Pronouncing the Judgment
16.07.2021	27.07.2021

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.720 of 2021
and
C.M.P. (MD) Nos.3199 & 3203 of 2021

V.Manimaran ... Appellant/Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep.by its Principal Secretary to Government
Home Department
Fort St.George
Secretariat
Chennai-600 009
- 2.The Chairman
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Office Campus
Egmore
Chennai-600 008
- 3.The Member Secretary
Tamil Nadu Uniformed Services 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
Mylapore, Chennai-600 004 ... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 17.03.2021, passed in W.P.(MD) No.6014 of 2021, on the file of this Court.

Prayer in WP(MD). 6014 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to treat the petitioners candidature bearing



Registration No.3112613 under the PSTM category for appointment of the post of Sub Inspector of Police and allow him to participate in the next level of selection process based on his representation dated 11.03.2021.

For Appellant : Mr.V.Raghavachari
for Mr.D.Selvanayagam

For Respondents : Mr.Veera Kathiravan
Senior Counsel for State Government
for Mr.A.K.Manickam, Government Counsel

J U D G M E N T

T.S.SIVAGNANAM, J.

This appeal by the writ petitioner is directed against the order, dated 17.03.2021 in W.P.(MD) No.6014 of 2021.

2. The said writ petition was filed by the appellant for issuance of a writ of mandamus to treat him under the Person Studied under Tamil Medium (PSTM) Category for appointment to the post of Sub Inspector of Police and to permit him to participate in the next level of selection process by considering his representation, dated 11.03.2021.

3. The case of the appellant is that he applied for selection to the post of Sub Inspector of Police, pursuant to the Notification issued by the Tamil Nadu Uniformed Services Recruitment Board ("the Recruitment Board" for brevity) in Notification No.2 of 2019, dated 08.03.2019. Though the appellant was working as Grade-II Police Constable attached to North Police Station, Tuticorin City, he applied for selection to the post of Sub Inspector of Police under the open category and not in the category reserved for service candidates.

4. The appellant had participated in the written examination conducted on 12.01.2020 and was successful and permitted to undergo the physical endurance test on 13.11.2020 and his certificates and credentials were verified on the same day. The appellant belongs to a Backward Class Community and secured 50.5 marks out of 70 marks in the written examination and 12 marks out of 15 marks in the physical endurance test, totally 62.5 marks. The appellant had completed his education till graduation in Tamil medium and stated that he is a similarly placed person to that of the candidates, who had filed writ petitions in W.P.(MD) Nos.19112, 19121, 19123 and 19668 of 2020 and the said writ petitions were allowed on 10.02.2021 and the order has been implemented and those writ petitioners had been called for viva voce held on 15.03.2021 and since the appellant also belongs to PSTM Category, he should be



permitted to participate in the viva voce.

5. It is further submitted that as per the submission made by the Recruitment Board in the earlier writ petitions, 20% of the vacancies was earmarked for PSTM Category, which would come around 155 posts, but only 102 candidates alone were called for viva voce under PSTM Category and there are 53 posts earmarked to the PSTM Category, which continues to remain vacant and therefore, the appellant submitted a representation through E-Mail on 11.03.2021 to consider him under PSTM Category and since the representation was not considered, he had filed the writ petition. The learned Single Bench, by order dated 17.03.2021, dismissed the writ petition, which is impugned in this appeal.

6. We have elaborately heard Mr.V.Raghavachari, learned counsel appearing for Mr.D.Selvanayagam, learned counsel for the appellant and Mr.Veera Kathiravan, learned Senior Counsel for the State Government for Mr.A.K.Manickam, learned Government Counsel for the respondents.

7. The learned Writ Court had dismissed the writ petition by taking note of the observations and findings rendered in W.P.(MD) No.19112 of 2020 etc. batch, dated 10.02.2021, wherein the Honourable Division Bench held that the relief, which was granted to those writ petitioners, cannot be granted to all others.

8. We need to examine as to whether the learned Writ Court was right in doing so. Admittedly, the writ petition was filed only on 15.03.2021 and listed for admission on 17.03.2021. As on 15.03.2021, the viva voce had been completed. Therefore, the selection process cannot be interdicted at that stage of the matter as the provisional select list had already been published and the only thing that remains to be done is to subject the provisionally selected candidates for medical test, which would be followed by issuance of appointment orders to the provisionally selected candidates, who are found to be medically fit. Therefore, the recruitment process having attained finality, the appellant cannot be directed to be permitted to participate in the viva voce i.e., the next stage of the selection process, when viva voce has already been completed and provisional select list has also been published.

9. Further, we note the submissions of Mr.Veera Kathiravan, learned Senior Counsel for the respondents that 159 seats were earmarked for PSTM Category, of which 112 candidates were selected under the said category and the remaining 47 seats have been filled up by following Section 6 of the Tamil Nadu Conditions of Service Act and other Government Orders in vogue and final select list has been published on 15.04.2021. Therefore, the contention of the appellant that seats reserved for PSTM Category still continues to remain vacant is factually incorrect.



10. For the above reasons, we find no ground to interfere with the orders passed by the learned Writ Court. Accordingly, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sub Assistant Registrar(CS)

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To:

- 1.The Principal Secretary to Government,
Home Department,
State of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Egmore, Chennai-600 008.
- 3.The Member Secretary,
Tamil Nadu Uniformed Services 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,
Mylapore, Chennai-600 004.

+1 CC to M/s.SPL GP (SR-24432[F] dated 29/07/2021)

+1 CC to M/s.D.SELVANAYAGAM, Advocate SR-24259[F] dated 29/07/2021

JUDGMENT

IN W.A. (MD) No.720 of 2021
and C.M.P. (MD) Nos.3199 & 3203 of 2021

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