



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.4.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7950 of 2022

S.Sivaranjani

.. Petitioner

Vs.

1. The Registrar General
High Court of Madras
Chennai-600 104.

2. Judicial Recruitment Cell
Rep. by Registrar
High Court, Madras.

3. The State of Tamil Nadu
rep. by Secretary to Government
Personnel and Administrative Reforms
(Personnel-R) Department
Fort St. George, Chennai-600 009.

4. The Assistant Director of Ex-Servicemen's Welfare
Office of the District Ex-Servicemen's
Welfare and the Secretary D.S.S. & A Board
No.H49, Kaliappa Nivas, TNHB, Avvai Nagar
Othapatti, Dharmapuri-636705.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to select and appoint the petitioner as Office Assistant in the Dharmapuri Judicial District pursuant to Notification No.67/2021 dated 18.04.2021 issued by the second respondent inviting applications to be applied online from eligible applicants for the Group III post of Office Assistant in Judicial Service for Dharmapuri District against the priority quota reserved for BC candidates, who are dependents of Ex-Servicemen as per G.O.Ms.No.1161 Personnel and Administrative Reform (Personnel-R) Department dated 22.11.1984.



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For the Petitioner : Mrs.Nalini Chidambaram
Senior Counsel
For Mrs.C.Uma

For the Respondents : Mr.B.Vijay
for Respondents 1 and 2

Mr.P.Muthukumar
State Government Pleader
for Respondent 3

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed seeking a direction to the second respondent to select and appoint the petitioner to the post of Office Assistant in the Judicial Department of Dharmapuri District, pursuant to the notification dated 18.04.2021 issued by the second respondent inviting applications for the said post.

2. Learned counsel for the petitioner submits that pursuant to the notification dated 18.04.2021, the petitioner applied to the post of Office Assistant (Class III) in Judicial Department of Dharmapuri District. The petitioner was allowed to appear for the written examination. After remaining successful in the written examination, she was called for the practical examination. The petitioner remained successful in the practical examination. Thus, she was called for the interview, followed by the declaration of result. It was to the surprise of the petitioner that the post of Office Assistants were kept vacant in certain priority quotas, despite the availability of the petitioner and accordingly, a challenge to the selection has been made.

3. It is submitted that the petitioner was falling in the priority quota under Group II(iii). Yet, her candidature was not considered for the said quota, but was considered under Group I (ii) priority quota. In view of the above, the right of the petitioner was affected as otherwise she was a meritorious candidate if her case is considered under Group II(iii) priority quota. Thus, the petitioner has come up with this writ petition.

4. Learned counsel for the respondents contested the writ petition. It is submitted that pursuant to the notification inviting applications from and among the eligible candidates for appointment to the post of Office Assistant, the petitioner has



Forces, her candidature was considered in the priority under Group I(ii).

10. To understand the priority categories, it would be needful to quote the priorities mentioned in the Annexure to G.O.Ms.No.188, P&AR Department, dated 28.12.1976. Group I and Group II, which provide for different categories of priority, are extracted hereunder:

"Group-I:

...

(ii) Up to two members of the family (Widows/Sons/Daughters/Next of kin) of the enrolled personnel of the Armed Forces including the Indian Peace Keeping Force who were killed or disabled in action and are totally unfit for reemployment leaving their families in indigent circumstances and

Up to two members of the family (widows/sons/daughters/ next of kin) of border Security Force Personnel killed in action and

Up to two members of the family (widows/ sons/ daughters/ next of kin) of the personnel of Assam Rifles killed in action.

Ex-personnel of Indo Tibetan Border Police/ Disabled

Personnel of Indo Tibetan Border Police boarded out or retired prematurely due to service conditions.

Up to two members of the family (Widows/ Sons/ Daughters/Next of kin) of the personnel of the Indo Tibetan and Border Police who were killed or disabled in action and are totally unfit for re-employment leaving their families in indigent circumstances.

G.O.Ms.No.134, Personnel and Administrative Reforms (Per.R) Department dated 19.03.1990.

Group-II:

...

(iii) Ex-servicemen and Ex-Indian Peace Keeping Force Personnel and the wives, sons and unmarried daughters of serving Military Personnel of Ex-servicemen and Ex-Indian Peace Keeping Force.

.... "

11. Group-I provides for priority to the Members of the Family (Widows / Sons / Daughters / Next of kin) of the enrolled Personnel of the Armed Forces, including the Indian Peace Keeping Force, etc. The petitioner filled Column 2.8(A) claiming priority under Group I(ii). Therefore, her candidature was considered throughout in the said category. She remained successful in the written examination and therefore, was called for the practical examination. In the practical examination



also, the petitioner remained successful to be called for interview. In the interview, the petitioner could not secure overall marks so as to get appointment in the priority category as claimed in her application.

12. At the time of the interview, the petitioner submitted the certificates claiming priority under Group II(iii), which is the wives, sons and unmarried daughters of serving Military Personnel. It was not the category indicated by her in the application form. Therefore, the change of category has not been permitted by the respondents.

13. Learned counsel for the petitioner has failed to show any provision to allow the change of category at the fag end of selection. The prayer to allow the change of category was made when the final result was to be declared. At this stage, change of category from Group I(ii) to Group II(iii) was not permissible as per the condition of the Notification dated 18.4.2021, as otherwise it would have a serious repercussion on the selection.

14. It is for the reason that if the petitioner would have declared the priority under Group II(iii) in the application itself, subject to the marks obtained by her in the written examination, her candidature would have been considered under Group II(iii). The written examination, followed by the practical examination, was based on the declaration made by the candidates and if it is changed at the fag, it would affect the declaration of the result of the written examination itself. Accordingly, if the petitioner is permitted to change the category, it would affect the result of the practical examination of both the categories, i.e. the category for which the petitioner made the application and the category to which the petitioner is now making a claim, because, if the prayer of the petitioner to change the category is considered, one meritorious candidate is required to be ousted from that category.

15. Further, all the posts under all the categories have been filled up from and among the candidates in waiting list. The change of the category in the midst of the game is not permissible and therefore, the petitioner's candidature has been considered by the respondents in the category as declared by her in the application form. Clause 11 of the Notification dated 18.4.2021 categorically states that the applicants are bound by the Common Instructions. Paragraph 4(c) of the Common Instructions does not permit production of document for change of the declaration in the application form:

"4(c) All the particulars mentioned in the online application including name of the applicant, post applied for, educational qualifications, communal category, date of



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birth, address, e-mail ID etc. will be considered as final and no modification will be allowed after final submission of the online application. Since certain fields are mandatory and cannot be edited, applicants are requested to fill the online application form with utmost care and caution. No correspondence regarding change of details will be entertained."

[emphasis supplied]

16. In view of the above, we do not find any illegality or error in the action of the respondents in rejecting the claim of the petitioner under Group II(iii), at the fag end of selection, as the change cannot allowed to be triggered at the instance of the candidate, affecting the entire selection. Accordingly, the writ petition fails and is dismissed. There will be no order as to costs. Consequently, WMP.No.7944 of 2022 is also dismissed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

kpl/drm

To:

1. The Registrar General
High Court of Madras
Chennai-600 104.
2. The Registrar
Judicial Recruitment Cell
High Court, Madras.
3. The Secretary to Government
Personnel and Administrative Reforms
(Personnel-R) Department
Fort St.George, Chennai-600 009.
4. The Assistant Director of Ex-Servicemen's Welfare
Office of the District Ex-Servicemen's
Welfare and the Secretary D.S.S. & A Board
No.H49, Kaliappa Nivas, TNHB, Avvai Nagar
Othapatti, Dharmapuri-636705.

+1cc to Ms.C.Uma, Advocate SR.No.22528

+1cc to Government Pleader SR.No.22771

W.P.No.7950 of 2022

AKS (CO)

GMV (19/04/2022)