



W.P.No.14522 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14522 of 2017
and W.M.P. Nos.15747 and 15748 of 2017

Mr.C.Gowtham

... Petitioner

Vs.

1.The Director,
Institute of Banking and Personnel Selection,
Common Recruitment Process,
Clerical Cadre in Banking Industries,
IBPS House, 90 Feet D.P. Road,
Near Thakur Polytechnic Off,
Western Express Highway,
P.B.No.8587 Kandivali (E),
Mumbai – 400 101.

2.The Chairman,
Andhra Bank Head Office,
Door No.5-9-11,
Dr.Pattabji Bhavan,
Secretariat Road
Saifabad-Khairatabad,
Hyderabad – 500 004.



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3. The Regional Director,
National Commission for Scheduled Tribes,
N-1, NH-1, Near Iskon Temple,
IRC Village, Nayapalli,
Bhubaneswar – 751 015.
Odisha.

4. The Chief Secretary,
Government of Puducherry,
Goubert Avenue,
Beach Road White Town,
Puducherry – 605 001.

5. The Secretary,
Ministry of Personnel, Public Grievances
and Pensions Department of Personnel and Training,
Government of India, New Delhi.

... Respondents

[R4 and R5 are impleaded vide Court Order dated 12.12.2018, made in W.M.P. No.37948 of 2018 in W.P.No.14522 of 2017 by KRCBJ]

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the notification changing the quota from Scheduled Tribe (ST) to Schedule Caste (SC) dated 1.4.2017 and quash the same as illegal and arbitrary and consequently direct the respondent No.2 to make selection on



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the lines of the earlier impugned notification of reserving the post for the union territory of Puducherry to the Schedule Tribe candidate and appoint the petitioner for the notified vacancy.

For Petitioner : Mr.G.Senthilkumar

For Respondents : Mr.Anand Gopalan for
M/s.T.S.Gopalan & Co for R1 & R2

Mr.B.Sudhir Kumar
Central Government Standing Counsel
for R5

No Appearance for R3 & R4

ORDER

The relief sought for in the present writ petition is to call for the records pertaining to the notification changing the quota from Scheduled Tribe (ST) to Scheduled Caste (SC), dated 01.04.2017 and quash the same and direct the 2nd respondent to make selection on the lines of the impugned notification of reserving the post for the Union Territory of Puducherry to the Scheduled Tribe candidate and appoint the petitioner.



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2.The petitioner participated in the process of selection pursuant to the recruitment notification dated 12.08.2016 regarding common recruitment process for recruitment of Clerical Cadres. As per the notification, petitioner submitted an application under the Scheduled Tribe category, he was selected, but not appointed on the ground that there is no reservation for Scheduled Tribe candidates as far as the Puducherry Union Territory is concerned. The authorities competent informed the petitioner that his case is to be considered only under the general category as there is no reservation for Scheduled Tribe candidates within the Puducherry Union Territory.

3.The learned counsel for the petitioner made a submission that the reservation has been provided for Scheduled Tribe in the notification and the petitioner was selected and therefore, the appointment cannot be denied to him. In this regard, the learned counsel for the respondents relied on the recruitment notification issued for recruitment in clerical cadres in



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participating organizations, wherein, it is stated that reservation for Scheduled Tribe is not available to Puducherry. Annexure-B states that there is no reservation for Scheduled Tribe in Puducherry. The counter affidavit filed by the 2nd respondent also states that by way of Reservation Policy, the Government of India is to conduct periodical survey of the population in the SC, ST and OBC categories and based on the said survey, it will issue an Office Memorandum which will spell out how the vacancies are to be filled up based on reservation for each State and Union Territory. As far as, the Union Territory of Puducherry is concerned by the Office Memorandum of Government of India, dated 05.07.2005, for direct recruitment to Group C and D for Puducherry Union Territory, it is 16% for SC category and 27% for OBC category and no reservation is provided for Scheduled Tribe category. One post of clerk in the 2nd respondent for Puducherry was lying vacant. It was a backlog vacancy. However, for the recruitment of 2017-18, when the 2nd respondent sent its intents to the 1st respondent by a typographical error, the backlog vacancy which was in the SC category was typed as Scheduled Tribe category. The 1st respondent also



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issued notification on the said basis. However, in the revised final intent dated 14.03.2017, mistake was noticed and rectified in the allotment for Puducherry Union Territory as one post of Clerk in SC category only. Accordingly, the 1st respondent allotted the SC candidate who was duly appointed. Thus, there is no vacancy for the post of Scheduled Tribe in Union Territory of Puducherry is available.

4.This Court is of the considered opinion that in the absence of any reservation for Scheduled Tribe category, the petitioner cannot claim appointment. No doubt, he was selected based on the notification issued with an error. However, the error was subsequently noticed by the authorities and accordingly they have appointed a SC candidate with reference to the post which is reserved for SC. Thus, there is no infirmity in respect of the action taken by the respondents. Based on the error, the petitioner cannot secure appointment. Such errors occurred on account of the mistakes of the authorities and in the present case, they have stated that it was a typographical error which was subsequently traced out and the said



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error was rectified. Thus, this Court does not deem it fit to consider the relief as such sought for in the present writ petition.

5. Accordingly, this writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes
Internet : Yes
Speaking order
ssr

To

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S.M.SUBRAMANIAM, J.

SSR

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