



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.9935 OF 2014 AND
M.P.NOS.1 & 2 OF 2014

L.Udhayakumar

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Tamil Nadu Public Service Commission,
Represented by its Secretary,
Chennai- 600 003.

... Respondents

PRAYER:

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Mandamus, directing the respondents to operate the reserve list and appoint the petitioner in any vacancy that has arisen due to non-joining/resignation of scheduled caste candidate in the Group-I services for which the second respondent issued notification for direct recruitment dated 29.12.2010 in Advertisement no.257 of 2010.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

O R D E R

The relief sought for in the present writ petition is to direct the respondents to operate the reserve list and appoint the petitioner in any vacancy that has arisen due to non-joining/resignation of schedule caste candidate in the Group-I services.



2. The petitioner participated in the process of selection for appointment to the post of Group-I service in the State of Tamil Nadu. The said petitioner secured 345 marks, though the petitioner was not selected, his name was included in the reserve list. However, the petitioner had not reached the zone of consideration for selection as the reserve list was not acted upon since the selected candidates has joint in the services.

3.The learned counsel for the Tamil Nadu Public Service Commission made a submission that the validity of the reserve list is for a period of one year or till such time the next recruitment notification is issued by the Tamil Nadu Public Service Commission. In the present case, the reserve list was published in the year 2014 and the petitioner has not reached the zone of consideration for the purpose of selection and appointment and now after a lapse of about 8 years, the reserve list cannot be acted upon.

4.This apart, mere inclusion of the name in the reserve list would not confer a right on the candidate to seek appointment. The very relief sought for is to direct the respondents to release the reserve list, if any of the selected candidate has not joined or resigned from the post. Such a relief cannot be claimed as a matter of right in view of the fact that the reserve list would be operated only if the circumstances arise. It is for the authority to take a decision whether the vacancy arose on account of non joining or otherwise. Furthermore, the validity of the reserved list is for one year and in the present case, a period of 8 years lapsed and reserve list was not acted upon by the competent authorities.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sli/sms



To

1. The State of Tamil Nadu
Represented by its Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Tamil Nadu Public Service Commission,
Represented by its Secretary,
Chennai- 600 003.

+1cc to Mr.V.Govardhanan, Advocate, S.R.No.34131
+2ccs to Mr.A.Jenasenan, Advocate, S.R.No.34717
+1cc to the Government Pleader, S.R.No.34509

W.P.No.9935 of 2014

GPL (CO)
PM/24/06/2022