



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P(MD) .No.4489 of 2022

and

W.M.P(MD) Nos.3779 and 3780 of 2022

P.C.Bharathiraja

... Petitioner

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai-600 003.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned advertisement No.605 in Notification No.03/2022, dated 23.02.2022 issued by the respondent in respect of serial No.3 of the instructions and the option given in online application regarding the filing of community as MBC(V), MBC-DC and MBC and quash the same as illegal and consequently, direct the respondent to delete serial No.3 and the option given in the online application as MBC(V), MBC-DC and MBC.

For Petitioners : Mr.Arul Vadivel @ Sekar
For Respondent : Mr.V.Panneer Selvam

ORDER

The grievance of the writ petitioner is that the Hon'ble Division Bench of Madras High Court struck down the reservation granted in Act No.8 of 2021. Challenging the order of the Hon'ble Division Bench, the State preferred an appeal, which is subjudiced before the Hon'ble Supreme Court. Now, the recruitment notice has been issued seeking particulars regarding the Most Backward Class-Vanniyar(MBC-V), Most Backward Class and Denotified Community (MBC&DC) and Backward Class(BC). It is contended that such clarification is contrary to the judgment of the Division Bench of this Court.



2.The learned counsel for the petitioner made a submission that as of now there is no such category, as the Act was struck down by the Hon'ble Division Bench of this Court. The very application is improper.

3.Admittedly, the State preferred an appeal which is now pending before the Hon'ble Supreme Court of India. Under these circumstances, entertaining the writ petition by the High Court will create anomalous situation and there is a likelihood of conflicting orders, as the matters are pending before the Hon'ble Supreme Court of India. Therefore, the aggrieved persons, in order to get clarifications, modifications or any other, are bound to approach the Hon'ble Supreme Court by filing an appropriate petition. Contrarily, if such writ petitions are entertained by the High Courts and if some orders are passed in such nature of cases, more specifically, regarding the reservation, the same will confer unnecessary right to the group of people and on the other side, it will take away the right of their counter parts. Both the situation will result in infringement of right on either of the parties under the Indian Constitution. Therefore, the aggrieved persons are at liberty to approach the Hon'ble Supreme Court for appropriate relief or otherwise, as the matter is subjudiced before the Supreme Court.

4.The learned counsel for the respondents made a submission that the notification itself states that the process of receiving application and further proceedings pursuant to the notification are subject to the result of the SLP pending before the Hon'ble Supreme Court of India. Thus, the respondents made it clear that pursuant to the notification, application and process of selection itself is subject to the result of SLP. However, this Court is of the considered opinion that in the event of proceedings further, the other set of persons, who all are beneficiaries from and out of the Division Bench of this Court, will be deprived.

5.With these clarifications, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai-600 003.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-11887[F] dated 14/03/2022)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-12090[F] dated 15/03/2022)

W.P (MD) .No.4489 of 2022

and

W.M.P (MD) Nos.3779 and 3780 of 2022
14.03.2022

NS

MS/28.03.2022/3P.4C