



W.P.(MD).Nos.22219 of 2019 & 25757 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.22219 and 25757 of 2019

and

W.M.P.(MD).Nos.22299, 18991 and 19894 of 2019

- 1.P.Jeevanandha Pandi
- 2.K.Karuppasamy
- 3.T.Kodeeswaran
- 4.B.Premkumar
- 5.K.Marimuthu

... Petitioners in W.P.(MD).No.22219 of 2019

B.Natarajan

... Petitioner in W.P.(MD).No.25757 of 2019

vs.

- 1.The Government of Tamil Nadu
represented by its Chief Secretary,
Fort St. George,
Chennai 600 009.
- 2.The Secretary,
Department of Revenue,
Fort St. George,
Chennai 600 009.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
VOC Nagar,



W.P.(MD).Nos.22219 of 2019 & 25757 of 2019

Park Town,
Chennai 600 003.

... Respondents in both W.Ps.

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to prepare, publish and operate Reserve List of candidates pursuant to its Notification No.23/2017, dated 14.11.2017 and further directing the respondents to appoint the petitioners in the post of Village Administrative Officer/Junior Assistant (Non -Security)/ Junior Assistant (Security) /Field Surveyor /Draftsman in the order of merit in the reserve seniority list in the available vacancies indicated in the Notification No. 23/2017, dated 14.11.2017.

For Petitioners : Mr.G.Prabhu Rajadurai

For R1 & R2 : Mr.C.Satheesh
Government Advocate

For R3 : Mr.V.Paneer Selvam
Standing counsel

COMMON ORDER

These Writ Petitions have been filed for issuance of a Writ of Mandamus, directing the 3rd respondent to prepare, publish and operate Reserve List of candidates pursuant to its Notification No.23/2017, dated



W.P.(MD).Nos.22219 of 2019 & 25757 of 2019

WEB COPY

14.11.2017 and further directing the respondents to appoint the petitioners in the post of Village Administrative Officer/Junior Assistant (Non -Security)/ Junior Assistant (Security) /Field Surveyor /Draftsman in the order of merit in the reserve seniority list in the available vacancies indicated in the Notification No.23/2017, dated 14.11.2017.

2. The learned counsel appearing for the petitioners would submit that the petitioners were participated in the selection process for a combined Civil Services Examination 4 (Group IV) for the years 2015 – 16, 2016 – 17 and 2017 – 18. Thereafter, the third respondent assured that the petitioners would be accommodated in the vacancies if arise due to non-joining of candidates in the allotted posts and reserve list would also be published. However, the reserve list was not published. Hence, the present writ petitions have been filed.

3. Per contra, the learned Standing counsel appearing for the third respondent would submit that the allotments for successful candidates were made by the method of counselling by following rule of reservation.



W.P.(MD).Nos.22219 of 2019 & 25757 of 2019

WEB COPY

The list of candidates selected in the first phase of counselling was forwarded to concerned Units on 31.01.2019 and finally the list of selected candidates pertaining to four phases of counselling was forwarded on 30.11.2019. In the mean while, the select list viz., CCSE -IV for the subsequent years 2018 -2019 to 2019-2020 have been hosted on the commission's website on 12.11.2019 and as such, the Notification No.23/2017, dated 14.11.2017 got lapsed. He would further submit that as per Section 3(u) of the Tamil Nadu Government Servants (Condition of Service) Act, 2016, the 'reserve list' which is prepared so as to contain not twenty five percent of the candidates of each reservation group including General turn in the regular list and shall be in force until the regular list is drawn up subsequently. Further, the order of this Court in W.A.(MD).No.866 of 2019 with respect to operation of reserve list more or less as sought by the petitioners herein had been stayed by the Apex Court in S.L.P.(C).No.2018 of 2020 and the matter is sub-judiced before the Apex Court. So that they are not published the reserve list. Unless the issue pending before the Apex Court is over, the claim made by the writ petitioners cannot be granted.



W.P.(MD).Nos.22219 of 2019 & 25757 of 2019

WEB COPY

4. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents 1 and 2 and the learned Standing counsel appearing for the third respondent.

5. Since the issue arise in these writ petitions is sub-judiced before the Apex Court, liberty is granted to the petitioners to make appropriate claim, after disposal of the SLP pending before the Apex Court. Further, another notification was issued carrying forward the earlier vacancies and the said vacancies were also filled up. In such circumstances, passing any order will be unsettled the settled issue. Hence, these Writ Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

12.12.2022

Index: Yes/No
Internet: Yes/No

akv

5/7



W.P.(MD).Nos.22219 of 2019 & 25757 of 2019

WEB COPY

To

- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
- 2.The Secretary,
Department of Revenue,
Fort St. George,
Chennai 600 009.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
VOC Nagar,
Park Town,
Chennai 600 003.



WEB COPY



W.P.(MD).Nos.22219 of 2019 & 25757 of 2019

M.DHANDAPANI,J.

akv

W.P.(MD)Nos.22219 and 25757 of 2019

12.12.2022