



WEB COPY



W.P.No.20637 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 14.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.P. No.20637 of 2023
and WMP.No.20009 of 2023

Vengatesan

.. Petitioner

Versus

- 1.Union of India
Rep.by the Secretary to Government (Home)
Govt. of Union Territory of Puducherry
Puducherry.
- 2.The Officer on Special Duty
Office of the Superintendent of Police (HQRS)
Police Department
Puducherry 605 001.
- 3.The Senior Supdt. Of Police (HQ) &
In-charge of SSP (C & I)-cum-Chairman of Recruitment Committee
Police Department
Government of Puducherry
Puducherry.
- 4.Dharmaraj J
- 5.Marimuthu B
- 6.Ravindran S

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- 7.Vajumuni R
- 8.Nadhaiyalagan M
- 9.Pragassam M
- 10.Mullaivalavan G
- 11.Amesh Paramel

.. Respondents

(the respondents 4-11 are
under C/o of the Officer on
Special Duty, Office of the
Superintendent of Police
(HQRS), Police Department
Puducherry – 605 001.)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records on the file of the Central Administrative Tribunal, Chennai Bench relating to the interim order dated 26.06.2023 in OA.No.310/000476/2023 and quash the same.

For petitioner : Mr.T.Sai Krishnan

For respondents : Mr.Syed Mustafa for R1 to R3
Special Government Pleader (Puducherry)

ORDER

(The Order of the Court was made by D.KRISHNAKUMAR, J)

By consent of parties, the writ petition itself is disposed of at the admission stage.



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2. The petitioner herein filed OA.No.310/000476/2023 before the Tribunal challenging the provisional selection list dated 08.06.2023 insofar as Ex-servicemen under MBC category. The petitioner also filed an application to stay the said provisional selection published by the third respondent. The Tribunal though granted interim direction on 26.06.2023, no stay has been granted. Hence, the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the respondent Department issued a notification dated 26.11.202 seeking application for direct recruitment to the post of Police Constable. In the said notification, 20% has been prescribed as the minimum mark in the written examination for Ex-servicemen under MBC category. Though the respondents 4 to 11 have not even secured 20% in each paper, they were selected.

4. In reply, the learned Special Government Pleader (Puducherry) appearing for the respondents 1 to 3 submitted that no candidate in the Ex-Servicemen under MBC has got the minimum qualification mark as per



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the notification therefore, by invoking Rule 6A of the Ex-Servicemen (Re-employment in Central Civil Service and Posts) Rules, 1979 granting relaxation to the respondents 4 to 11, they were selected. He also seeks early disposal of the above Original Application.

5. The respondent Department before granting such relaxation ought to have published amendment notification, but they failed to do so. Therefore, this Court is of the view that a *prima facie* case has been made out and hence, the order passed by the Tribunal is modified to the effect that pending disposal of the Original Application, there shall be an order of interim stay of the provisional selection list dated 08.06.2023, insofar as Ex-Servicemen, under MBC category in concerned and insofar as other candidates, they shall proceed the selection process.

6. We also direct the Tribunal to dispose of the said O.A. as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.



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7. In the light of the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J] [P.B.B., J.]
14.07.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To

- 1.The Secretary to Government (Home)
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