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W.P.No.21933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21933 of 2023 & WMP.No.21933 of 2023

A.Mubarak

... Petitioner

Vs

1. The State of Tamilnadu
Rep. by its Secretary,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai – 600 009.

2. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town, Chennai – 600 003.

...

Respondents

Prayer :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to select the petitioner for any one of the post Village Administrative officer/ Junior Assistant (Non- security) / Junior Assistant (security)/ Bill Collector Grade I/ Bill Collector/ Field Assistant / Store Keeper included in Group IV Services by considering the petitioners priority certificate dated 29.06.2018 in accordance with law.



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For Petitioner : Mr.S.Sathish Kumar

For Respondent : Mr.M.Alagu Gowtham
Government Advocate – R1

Mrs.G.Hema – R2

ORDER

This Writ Petition has been filed to direct the respondents to select the petitioner for any one of the post Village Administrative officer/ Junior Assistant (Non-ecurity) / Junior Assistant (security)/ Bill Collector Grade I/ Bill Collector/ Field Assistant/ Store Keeper included in Group IV Services by considering the petitioners priority certificate dated 29.06.2018 in accordance with law.

2. The grievance of the petitioner is that he had participated in the written examination on the basis of the notification issued by Tamilnadu Public Service Commission and he has secured 127.50. The main grievance of the petitioner is that as per G.O.Ms.No.188 dated



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28.12.1976 Personnel and Administrative Reforms [Personnel P]

Department, for the purpose of priority and as per the said Government Order, members of the family [including members of Scheduled Caste / Scheduled Tribe], whose lands have been acquired for Government purposes as well as for the projects of the Public Sector Undertaking subject to the condition that preference will be given to those who are dependent for their livelihood primarily or wholly on the lands acquired and from among them to members of the Scheduled Castes and Scheduled Tribes, who may be eligible for employment. The petitioner also registered in the District Employment Office on 02.03.2006 and the Special Tahsildar, dated 29.06.2018 has issued certificate for employment priority in favour of the petitioner. However, the respondent has not called the petitioner for verification of certificates. Hence, the petitioner is entitled to be appointed in the category of General or BCM or PSTM. Hence, the Writ Petition.

3. I have perused G.O.Ms.No.188 dated 28.12.1976. The above



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Government Order makes it clear that the priority list in regard to the

provision of employment assistance through Employment Exchanges was issued. The above Government Order also makes it clear that the Rule of reservation shall be made applicable to all vacancies whether they are filled by priority or non priority category. Therefore, the above Government Order makes it clear that rule of reservation is applicable.

4. It is to be noted that the very priority can be claimed only by those who are totally dependent on agriculture and whose land has been acquired. Admittedly, no materials whatsoever has been place before this Court in this regard. Now it is also brought to the notice of the Court that the petitioner had scored only 127.5 marks. Whereas cut off marks for BCM is 232, BCM [PSTM] is 241.50, GT [G] is 255 GT [G] [PSTM is 261. Such being the position, the petitioner is no way near to the cut off marks seeking reservation. Hence, I do not find any merits in this Writ Petition.



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5. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

01.08.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Secretary,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai – 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town, Chennai – 600 003.



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N.SATHISH KUMAR, J.

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