



WEB COPY



W.P.No.22980 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22980 of 2023

P.Chinnamani

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road, Kilpauk,
Chennai – 600 010.

2.The Joint Registrar of Co-operative Societies,
No.24, Ramakrishna Road,
Salem – 636 007.

3.The Deputy Registrar (Public Distribution System)
District Recruitment Bureau/Controller of Examination,
Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to call for the records of the 3rd respondent in respect of the Provisional Selection List pursuant to the Notification No.1/2022 for Sale Man in the Fair Price Shop, dated 07.07.2023, and quash the same in respect of non-selection of the petitioner and consequently to direct the 3rd respondent to include the petitioner's name in the above said post.



WEB COPY



W.P.No.22980 of 2023

For Petitioner : M/s.Thenmozhi Shivaperumal

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the Provisional Selection List published by the 3rd respondent, dated 07.07.2023, pursuant to the Recruitment Notification No.1/2022 for the posts of Salesman in the Fair Price Shops, Salem.

2.It is the case of the petitioner, on the basis of the notification called for filling up the posts of Salesman in the Fair Price Shops run by the Co-operative Societies, the petitioner applied for the said post. According to the petitioner, he possesses all the qualifications required for the said post. The petitioner states that he attended the interview also. Thereafter, the 3rd respondent published the Provisional Selection List, dated 07.07.2023, wherein, the petitioner's name was not included. It is the grievance of the petitioner that, even though there are 236 posts vacant, the petitioner has not been selected and his name has not been included in the selection list. The petitioner states that he is a Disabled

Person and therefore, the petitioner ought to have been selected atleast



W.P.No.22980 of 2023

under the 3% reservation for Disabled Persons. Since he has not been selected, the present writ petition has been filed.

3.Learned counsel for the petitioner mainly contended that, though the petitioner possessed all the requisite qualification, the petitioner has not been selected, despite the fact that the petitioner is a disabled person and a person studied in Tamil Medium and therefore, is entitled to the reservation under Physically Handicapped Category as well as under PSTM Category. The learned counsel also relied upon the documents enclosed to show that the petitioner is a disabled person and has also studied in Tamil Medium.

4.*Per contra*, Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents, submitted that, in the Application Form submitted by the petitioner, the petitioner has not specifically mentioned that he is a Physically Handicapped Person and he has not claimed any priority as per G.O.(Ms) No.122, Human Resources Management (K2) Department, dated 02.11.2021. Further, it is brought to the notice of this Court that, under General Category, out of the total rank of 10957, the petitioner's rank is 10052 and under SC Category, out of



W.P.No.22980 of 2023

total rank of 2455, the petitioner's rank is 2117. The number of SC

candidates selected is 43. Therefore, the learned Special Government

Pleader submitted that the petitioner does not come within the zone of consideration and hence, the writ petition is liable to be dismissed.

5.Heard the learned counsel on either side and perused the entire materials available on record.

6.The Rank list produced by the learned Special Government Pleader before this Court, reads as follows :

	<i>General Category</i>		<i>SC Category</i>		<i>Number of SC Selected Candidates</i>
	<i>Candidate's Rank</i>	<i>Total Rank</i>	<i>Candidate's Rank</i>	<i>Total Rank</i>	
<i>Overall</i>	10052	10957	2117	2455	43
<i>PSTM</i>	3910	4236	766	882	8
<i>First Graduate</i>	109	117	16	20	1
<i>PH</i>	236	261	45	53	4

Even assuming that the petitioner is eligible under PSTM and PH

Categories, comparing the overall rank, it is clear that the petitioner's rank

is below than the other candidates. Therefore, even if the petitioner's

claim under said Categories is considered, he will not be eligible as per the

rank secured by him in both the Categories. In such view of the matter

and also having regard to the fact that the selection list is now finalised



W.P.No.22980 of 2023

and that the petitioner himself had not opted for or claimed any priority under Disability Quota in his application, now, the petitioner cannot challenge the Provisional Selection List nor can seek any positive directions from this Court.

7. Therefore, I do not find any merit in this writ petition.

Accordingly, this writ petition is dismissed. No costs.

04.08.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maaligai,
Periyar EVR High Road,
Poonamallee High Road, Kilpauk,
Chennai – 600 010.

2. The Joint Registrar of Co-operative Societies,
No.24, Ramakrishna Road,
Salem – 636 007.

N. SATHISH KUMAR, J.

mkn



W.P.No.22980 of 2023

3.The Deputy Registrar (Public Distribution System)
District Recruitment Bureau/Controller of Examination,
Salem.

W.P.No.22980 of 2023

04.08.2023