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W.P. No. 25723 of 2022 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. Nos. 25723, 26091, 26359, 30552, 30560, 33783, 33875, 34329, 34334
and 34349 of 2022**

and

**W.P. Nos. 229, 337, 2123, 2473, 3090, 3626, 3876, 9478 and 11380 of 2023
and**

**W.M.P. Nos. 24779, 25164, 25165, 25433, 27116, 27118, 29981, 29987,
33290, 33356, 33795, 33797 and 33813 of 2022**

and

**W.M.P. Nos. 223, 311, 2214, 2577, 3162, 3163, 9548, 10802, 11103, 11113,
11105, 11117, 11122, 11272, 3710, 3711 and 3947 of 2023**

W.P. No. 25723 of 2022:-

M.Manisankar

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai – 600009.

2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai – 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to implement the rule of reservation with regard to Women and Persons who studied in Tamil Medium (PSTM) category in horizontal manner by counting



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the number of Women and Persons who studied in Tamil Medium (PSTM) candidates who are selected on their own merit for the purpose of satisfaction of reservation for women and Persons who studied in Tamil Medium (PSTM) candidates as explained by the Hon'ble Division Bench of this Court in its order dated 07.09.2022 in the batch of Writ Petitions in W.P. Nos. 6201 of 2013 etc. and consequently direct the Second Respondent to cancel the list of candidates selected for oral interview for 66 vacancies in 6 posts notified by the Second Respondent by Notification No. 01/2020, dated 20.01.2020 and redraw the select list of the candidates for oral interview based on the merit list prepared on the basis of the marks secured by the candidates in the written examination conducted by the Second Respondent for Combined Civil Services Examination-I (Group – Services) and thereafter select the candidates based on the total marks obtained by the candidates in the written examination and oral interview.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (for R1)
Additional Government Pleader

Mr. I.Abrar Mohammed Abdulla (for R2)

W.P. No. 26091 of 2022:-

M.Sundaramahalingam

... Petitioner

-VS-

1. The State of Tamil Nadu,
Represented by Secretary,
Department of Horticulture and Plantation Crops,
Fort St. George, Chennai – 600009.



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2. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai, Tamil Nadu – 600003.

3. Lavanya
(Regn. No. 1701002117)
The Tamil Nadu Public Service Commission,
VOC Nagar, Chennai, Tamil Nadu – 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent Commission dated 15.02.2022 and so far as the selection of the Third Respondent bearing Registration No. 1701002117 is concerned and quash the same on the ground that her selection is in excess of the women horizontal reservation and consequently direct the Respondents to select and appoint the Petitioner to the post of Assistant Director Horticulture in the place of Third Respondent from the date when she has joined services with all service and monetary benefits.

For Petitioner : Mrs. Dakshayani Reddy
for Ms. Suneetha

For Respondents : Mr. B.Vijay (for R1)
Additional Government Pleader

Mr. I.Abrar Mohammed Abdulla (for R2)

W.P. No. 26359 of 2022:-

1. Dr. Sangli Vikram Kumar K.
2. Dr. Vijayakumar G
3. Dr. Ashok Kumar R
4. Dr. Karthik J

... Petitioners

-VS-



W.P. No. 25723 of 2022 etc., batch

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department Animal Husbandry, Dairying,
Fisheries and Fishermen Welfare,
Fort St. George,
Chennai – 600009.

2. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai,
Tamil Nadu – 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to apply the judgment of the Hon'ble Division Bench in W.P. No. 6201 of 2013 etc., batch dated 07.09.2022 to the selection to the post of Veterinary Assistant Surgeon under Notification No. 32 of 2019 dated 18.11.2019 and accordingly prepare a fresh select list as directed by the Hon'ble Division Bench and select the Petitioners to the post of Veterinary Assistant Surgeon if they come within the select list prepared as per the direction of the Hon'ble Division Bench with effect from the date when the others were selected and appointed under the notification with all service and monetary benefits.

For Petitioner : Mrs. Dakshayani Reddy
for Ms. Suneetha

For Respondents : Mr. B.Vijay (for R1)
Additional Government Pleader

Mrs. G.Hema (for R2)

W.P. No. 30552 of 2022:-

R.Soundarrajan

... Petitioner

-VS-



W.P. No. 25723 of 2022 etc., batch

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600009.

2. Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to redraw the Provisional Selection list issued by the Second Respondent dated 13.10.2022 for direct recruitment for the post of Post Graduate Assistant in History for the year 2020-21 pursuant to Notification No. 01/2021 dated 09.09.2021 in accordance with law as per the procedure set out by the Hon'ble Division Bench in paragraphs 33 and 34 by order in W.P. No. 6201 of 2013 etc., dated 07.09.2022 by including the name of the Petitioner who has secured 73 marks in the written test in the selection list for the post of Post Graduate Assistant in the subject History against the Scheduled Caste (Arunthathiyar) quota.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (R1)
Additional Government Pleader

Mr. R.Neelakandan,
Additional Advocate General,
assisted by Mr. C.Kathiravan,
Special Government Pleader (for R2)



W.P. No. 25723 of 2022 etc., batch

W.P. No. 30560 of 2022:-

G.Sivanandam

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort St. George,
Chennai – 600009.

2. Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to redraw the Provisional Selection list issued by the Second Respondent dated 13.10.2022 for direct recruitment for the post of Post Graduate Assistant in Commerce for the year 2020-21 pursuant to Notification No. 01/2021 dated 09.09.2021 in accordance with law as per the procedure set out by the Hon'ble Division Bench in paragraphs 33 and 34 by order in W.P. No. 6201 of 2013 etc., dated 07.09.2022 for the post of Post Graduate Assistant in Commerce by including the name of the Petitioner, who has secured 89 marks in the written test in the selection list for the post of Post Graduate Assistant in the subject Commerce under the Scheduled Caste quota.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (R1)
Additional Government Pleader

Mr. R.Neelakandan,
Additional Advocate General,
assisted by Mr. C.Kathiravan,
Special Government Pleader (R2)



W.P. No. 25723 of 2022 etc., batch

W.P. No. 33783 of 2022:-

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1. Dr. T.Deepak
2. Dr. S.Gangasudan
3. Dr. T.Rajesh
4. Dr. A.P. Ethelbert
5. Dr. T.Muralidharan
6. Dr. N.Aravindraj
7. Dr. P.Nandhakumar
8. Dr. P.Michael
9. Dr. P.Thangaraj
10. Dr. S.Mohanraj
11. Dr. R.Muthuvel
12. Dr. S.Porgovan
13. Dr. G.Nanthakumar
14. Dr. G.Sundarapandian
15. Dr. M.Thennavan
16. Dr. K.Boobalan
17. Dr. N.Gopalakrishnan
18. Dr. J.Anand
19. Dr. S.Madhan
20. Dr. N.Murugarajan
21. Dr. D.Suresh
22. Dr. K.Rajasekar
23. Dr. S.Vivek



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24. Dr. E.Dhamodharachelvam

25. Dr. V.Anbarasan

26. Dr. S.Venkadesh

27. Dr. R.Elavarasan

28. Dr. M.Dineshkumar

29. Dr. M.Boopathy

30. Dr. M.Nagarajan

31. Dr. P.Babu

32. Dr. T.Thirukumaran

33. Dr. S.Balaji

34. Dr. S.Rajasekar

35. Dr. K.Narayanasamy

36. Dr. V.Venkatesan

37. Dr. C.Shanmuganathan

38. Dr. R.Perumal

39. Dr. S.Babu

40. Dr.L.Ravikumar

41. Dr. G.Logeshwaran

42. Dr. S.Arun Prabhu

43. Dr. M.Kathirvel

44. Dr. L.Muralitharan

45. Dr. P.Periyasamy

46. D. P.Kamalraj

47. Dr. K.Kamalahasan



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48. Dr. K.Govindaraj

49. Dr. R.Raja

50. T.Kanagaraj

51. Dr. S.Senthamilselvan

52. Dr. K.Kumar

53. Dr. P.Siranjeevi

54. Dr. P.Vinothkumar

55. Dr. M.Senthilkumar

56. Dr. P.Manigandan

57. Dr. E.Premkumar

58. Dr. A.Venkateshkumar

59. J.Sambandhan

60. Dr. R.Gnanavel

61. Dr.P.Mani

62. Dr. P.Mahendran

... Petitioners

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Fort St. George, Chennai – 600009.



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3. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar,
Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 dated 18.11.2019 as per the procedure held by the Hon'ble Division Bench of this Court by order in W.P. No. 734 of 2022 etc., dated 07.09.2022 by treating the 30% reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) as horizontal reservation and issue appointment orders to the Petitioners as Veterinary Assistant Surgeons if their names/register numbers find a place in the re-arranged merit selection list under the various communal categories within a time frame to be fixed by this Court.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (R1 & R2)
Additional Government Pleader

Mrs. G.Hema (for R3)

W.P. No. 33875 of 2022:-

N.Mathialagan

... Petitioner

-VS-

Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road,
VOC Nagar, Park Town,
Chennai – 600003.

... Respondent



W.P. No. 25723 of 2022 etc., batch

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to redo the list dated 12.02.2020 containing the register number of candidates selected provisionally for appointment by direct recruitment to 10 posts included in Combined Engineering Services Examination, 2008-2020 pursuant to Notification No. 18/2019 dated 29.05.2019 by treating 30% of reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) candidates as horizontal reservation and by following the procedure set out by this Court in its order dated 07.09.2022 in W.P. Nos. 6201 of 2013 etc., for selection of candidates in public services and consequently direct the Respondent to issue appointment order to the Petitioner to any one of the posts notified under the Notification No. 18/2019, dated 29.05.2019 under the Backward Class (Other than Backward Class Muslims) BC (OBCM) category if the Petitioner is found eligible in the revised list of candidates prepared in accordance with law.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Ms. C.Uma

For Respondent : Mr. I.Abrar Mohammed Abdulla

W.P. No. 34329 of 2022:-

S.Vijaya Pandian

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.



W.P. No. 25723 of 2022 etc., batch

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Fort St. George, Chennai – 600009.

3. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to re-arrange the select list for 11 posts of Veterinary Assistant Surgeons in the Scheduled Tribes category pursuant to Advertisement No. 562, Notification No. 32/2019, dated 18.11.2019 as per the procedure set out by the Hon'ble Division Bench of this Court in its common order in W.P. No. 6201 of 2013 etc., dated 07.09.2022 by treating reservation for women and Persons Studied in Tamil Medium (PSTM) candidates as horizontal reservation and issue appointment order to the Petitioner who had secured 295.75 marks in the written and oral test as Veterinary Assistant Surgeon under the Scheduled Tribes category.

For Petitioner	:	Mrs. Nalini Chidambaram, Senior Counsel for Mrs. C.Uma
For Respondents	:	Mr. B.Vijay (for R1 & R2) Additional Government Pleader
		Mrs. G.Hema (for R3)

W.P. No. 34334 of 2022:-

S.Saravanan

... Petitioner



W.P. No. 25723 of 2022 etc., batch

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Reforms (S) Department,
Fort St. George, Chennai – 600009.

2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to re-arrange the list dated 15.02.2022 of Register Number of candidates selected provisionally for appointment by direct recruitment to the post of Agricultural Officer (Extension) included in the Tamil Nadu Agricultural Extension Service for the year 2019-2021 pursuant to Advertisement No. 579 Notification No. 04/2021 dated 05.02.2021 in accordance with law as per the ruling of the Division Bench of the Hon'ble Court dated 07.09.2022 in W.P. Nos. 6201 of 2023 etc., by treating reservation for women and Persons Studied in Tamil Medium (PSTM) as horizontal reservation and issue appointment order to the Petitioner as Agricultural Officer (Extension) if he is found in the merit list of MBC category candidates so re-drawn/re-arranged in accordance with law.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (for R1)
Additional Government Pleader

Mr.I.Abrar Mohammed Abdullah (for R2)



W.P. No. 25723 of 2022 etc., batch

W.P. No. 34349 of 2022:-

Dr. K.V.Ananthakumar

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Fort St. George, Chennai – 600009.
3. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 dated 18.11.2019 in accordance with law as per the procedure held by the Hon'ble Division Bench of this Court by order in W.P. No. 6201 of 2013 etc., dated 07.09.2022 by treating 30% reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) as horizontal reservation and issue appointment order to the Petitioner with 334.75 marks as Veterinary Assistant Surgeon if his name/register number finds a place in such re-arranged merit selection list under the Back Ward Class category within a time frame to be fixed by this Court.



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W.P. No. 25723 of 2022 etc., batch

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)

Mrs. G.Hema (for R3)

W.P. No. 229 of 2023:-

1. A.Anand
2. P.Manikandan
3. S.Selvaraj
4. M.Govindarajulu
5. S.Girija
6. N.Subramani
7. A.Chandralega
8. Y.Devendiran

... Petitioners

-VS-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Human Resource Management Department,
Fort St. George,
Chennai – 600009.
2. The Directorate of Elementary Education,
DPI Campus, College Road,
Chennai – 600006.
3. Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600006.

... Respondents



W.P. No. 25723 of 2022 etc., batch

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Declaration, declaring the Provisional Selection list dated 04.02.2022 issued by the Third Respondent comprising of 97 candidates for the post of Block Educational Officers pursuant to Notification No. 13/2019 dated 27.11.2019 treating reservation for women and PSTM candidates as vertical reservation as illegal and contrary to clause 3 of the Notification No. 13/2019 dated 27.11.2019 and the decision of this Court dated 07.09.2022 in W.P. No. 6201 of 2013 etc., relating to filling up vacancies in the communal categories and consequently direct the Third Respondent to redraw the Provisional selection list dated 04.02.2022 in accordance with law and issue appointment orders to the Petitioners as Block Educational Officers coming under the Tamil Nadu Elementary Educational Subordinate Service Rules pursuant to Notification No. 13/2019 dated 27.11.2019.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (for R1 & R2)
Additional Government Pleader

Mr. R.Neelakandan (for R3)
Additional Advocate General,
assisted by Mr. C.Kathiravan,
Special Government Pleader

W.P. No. 337 of 2023:-

1. Dr. P.Manivannan
2. Dr. S.Gobiraju
3. Dr. K.Sivashankar
4. Dr. A.S.Manivelan
5. Dr. S.Manikandan
6. Dr. R.Pandiyan
7. Dr. S.Jothylingam

... Petitioners



W.P. No. 25723 of 2022 etc., batch

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.
 2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department,
Fort St. George, Chennai – 600009.
 3. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai - 600003.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 dated 18.11.2019 as per the procedure held by the Hon'ble Division Bench of this Court by order in W.P. No. 6201 of 2013 etc., dated 07.09.2022 by treating 30% reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) as horizontal reservation and issue appointment orders to the Petitioners as Veterinary Assistant Surgeons if their names/register numbers find a place in the re-arranged merit selection list under the various communal categories within a time frame to be fixed by this Court.

For Petitioners : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (for R1 & R2)
Additional Government Pleader

Mrs. G.Hema (for R3)



W.P. No. 25723 of 2022 etc., batch

W.P. No. 2123 of 2023:-

1. Dr. M.Joel Devadasan
2. Dr. J.Jaisankar
3. D.Rathinakumar
4. P.Arun

... Petitioners

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department,
Fort St. George, Chennai – 600009.
3. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar,
Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 dated 18.11.2019 as per the procedure held by the Hon'ble Division Bench of this Court by order in W.P. No. 6201 of 2013 etc., dated 07.09.2022 by treating 30% reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) as horizontal reservation and issue appointment orders to the Petitioners as Veterinary Assistant Surgeons if their names/register numbers find a place in the re-arranged merit selection list under the various communal categories within a time frame to be fixed by this Court.



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For Petitioners : Mrs. Nalini Chidambaram,
Senior Counsel
for Mrs. C.Uma

For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)

Mrs. G.Hema (for R3)

W.P. No. 2473 of 2023:-

1. Dr. V.Kathirvel
2. Dr. S.Laksmanan
3. Dr. K.Anbarasu
4. Dr. J.Mahendran
5. Dr. D.Logeshkumar
6. Dr. J.Mathizhalagan
7. Dr. A.Alwin Nishanth
8. Dr. T.Kannapiran

... Petitioners

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Fort St. George, Chennai – 600009.



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3. Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road V.O.C Nagar,
Park Town, Chennai – 600 003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 18.11.2019 as per the procedure held by the Hon'ble Division Bench of this Court by order in W.P. No. 734 of 2022 etc., dated 07.09.2022 by treating 30% reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) as horizontal reservations and issue appointment orders to the Petitioners as Veterinary Assistant Surgeons if their names/ register numbers find a place in the re arranged merit selection list under the various communal categories.

For Petitioner : Mr. N.Stalin

For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)

Mr. I.Abrar Md.Abdullah (for R3)

W.P. No. 3090 of 2023:-

Dr. R.Vidhyasakar

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.



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2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department,
Fort St. George, Chennai – 600009.

3. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Third Respondent relating to the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 dated 18.11.2019 and quash the same in so far as non-inclusion of the Petitioner is concerned and consequently direct the Third Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeon in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019, dated 18.11.2019 as per the procedure held by the Hon'ble Division Bench of this Court by order in W.P. No. 6201 of 2013 etc., dated 07.09.2022 by treating 30% reservation for women and 20% reservation for Person Studied in Tamil Medium (PSTM) as horizontal reservation and issue appointment orders to the Petitioner as Veterinary Assistant Surgeon if his name/register number finds a place in the re-arranged merit selection list under the Backward Class (BC) communal category within a time frame to be fixed by this Court.

For Petitioners : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)
Mrs. G.Hema (for R3)



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W.P. No. 3626 of 2023:-

1. B.Unnamalai

2. V.Suganthi

3. K.Ramesh

... Petitioners

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Human Resources Development Department,
Fort St.George, Chennai – 600009.

2. The Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600006.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent relating to the Provisional Selection List dated 16.09.2022 for the post of Post Graduate Assistant in Tamil pursuant to Advertisement No. 01/2021 dated 09.09.2021 and quash the same as illegal and not in accordance with law and Selection List dated 16.09.2022 for the post of Post Graduate Assistant in Tamil pursuant to Advertisement No. 01/2021, dated 09.09.2021 in accordance with law complying with the proceedings of reservation for various communal category as per Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

For Petitioners : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma

For Respondents : Mr. B.Vijay (for R1)
Additional Government Pleader
Mr. R.Neelakandan,
Additional Advocate General
assisted by Mr. C.Kathiravan,
Special Government Pleader (for R3)



W.P. No. 25723 of 2022 etc., batch

W.P. No. 3876 of 2023:-

Dr. Surendar

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.

2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department,
Fort St. George, Chennai – 600009.

3. The Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar,
Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment for the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 dated 18.11.2019 as per the procedure held by the Hon'ble Division Bench of this Court by virtue of order dated 07.09.2022 in W.P. Nos. 6201 of 2013 and 734 of 2022 etc., along with batch Petitions by treating 30% reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) as horizontal reservations consequently appoint the Petitioner as Veterinary Assistant Surgeon subject to ranking and merits within a stipulated time period.

For Petitioner

:

Mr. Thanga Vadhana Balakrishnan



W.P. No. 25723 of 2022 etc., batch

For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)

Mrs. G.Hema (for R3)

W.P. No. 9478 of 2023:-

P.Sharvankumar

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai – 600009.

2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road,
VOC Nagar, Park Town,
Chennai – 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to re-arrange the list dated 15.02.2022 of Register number of candidates selected provisionally for appointment by direct recruitment to the post of Agricultural Officer(Extension) included in the Tamil Nadu Agricultural extension service for the year 2019-2021 pursuant to Advertisement No. 579 Notification No. 04/2021 dated 05.02.2021 in accordance with law as per the ruling of the Division Bench of this Honble Court dated 07.09.2022 in W.P. Nos. 6201/2013 etc. by treating reservation for women and persons studied in Tamil Medium(PSTM) as horizontal reservation and issue appointment order to the Petitioner as Agricultural officer(Extension) if he is found in the merit list of Backward Class(General) category candidates so re-drawn/re-arranged in accordance with law.

For Petitioner : Mrs. Nalini Chidambaram,
Senior Counsel for Mrs. C.Uma



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W.P. No. 25723 of 2022 etc., batch

For Respondents : Mr. B.Vijay (for R1)
Additional Government Pleader

Mr. I.Abrar Mohammed Abdulla (for R2)

W.P. No. 11380 of 2023:-

Dr. P.Selvaraju

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Fort St. George, Chennai – 600009.

3. Tamil Nadu Public Service Commission,
Represented by its Secretary,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Park Town,
Chennai - 600003.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to re-arrange the Provisional Selection List dated 09.02.2021 containing the list of register numbers of candidates selected provisionally for appointment by direct recruitment to the post of Veterinary Assistant Surgeons in the Tamil Nadu Animal Husbandry Service 2019-2020 pursuant to Advertisement No. 562 Notification No. 32/2019 dated 18.11.2019 as per the procedure held by the Hon'ble Division Bench of this Court by virtue of order dated 07.09.2022 in W.P. Nos. 6201 of 2013 etc., dated along with batch Petitions by treating 30% reservation for women and 20% reservation for Persons Studied in Tamil Medium (PSTM) as horizontal reservations consequently appoint the Petitioner as Veterinary Assistant Surgeon subject to ranking and merits within a stipulated time period.



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W.P. No. 25723 of 2022 etc., batch

For Petitioner : Mr. Thanga Vadhana Balakrishnan

For Respondents : Mr. B.Vijay,
Additional Government Pleader
(for R1 & R2)

Mrs. G.Hema (for R3)

COMMON ORDER

Heard Mrs. Nalini Chidambaram, Learned Senior Counsel assisted by Mrs. C.Uma, Learned Counsel, Mrs. Dakshayani Reddy, Learned Counsel assisted by Ms. Suneetha, Learned Counsel, Mr. N.Stalin and Mr. Thanga Vadhana Balakrishnan, Learned Counsel appearing for the Petitioners, Mr. R.Neelakandan, Learned Additional Advocate General assisted by Mr. C.Kathiravan, Learned Special Government Pleader, Mr. B.Vijay, Learned Additional Government Pleader, Mr. I.Abrar Mohammed Abdulla, Learned Counsel and Mrs. G.Hema, Learned Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners in these Writ Petitions were candidates who applied for various posts in the services of the Government of Tamil Nadu pursuant to the notifications issued by the Tamil Nadu Public Service Commission in that



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regard. In the batch of Writ Petitions in ***M.Satheesh Kumar -vs- State of Tamil***

Nadu (Order dated 07.09.2022 in W.P. No. 6201 of 2013 etc., batch) filed by the individual male applicants of various posts, who were aggrieved by the manner of operation of the rule of reservation for women candidates in Tamil Nadu, the Division Bench of this Court had determined that the implementation of rule of reservation with regard to women has to be made horizontally and not vertically. It is represented that the Government of Tamil Nadu as well as the Tamil Nadu Public Service Commission have accepted the dictum laid down in that decision and have not preferred any appeal against the same and have also given effect to it by granting the benefits to the eligible Petitioners in that batch of Writ Petitions.

3. The grievance ventilated by the Petitioners in the present Writ Petitions is that they are also similarly placed to those persons who have been granted the benefits and as the decision was a declaration of law *in rem*, it could not be denied to them because they had not approached the Court earlier relying on the authoritative pronouncement of the Hon'ble Supreme Court of India in ***State of Uttar Pradesh -vs- Arvind Kumar Srivastava*** [(2015) 1 SCC 347)] to support such claim made by them.



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4. On the other hand, Learned Counsel for the Respondents emphasize that

the Division Bench of this Court in ***M.Satheesh Kumar -vs- State of Tamil Nadu*** (Order dated 07.09.2022 in W.P. No. 6201 of 2013 etc., batch) has categorically restricted the relief only to the eligible Petitioners in those Writ Petitions and as such, it would not be permissible to unsettle the appointments already made at this distance of time and that too, in favour of persons who had not been vigilant to agitate their rights in time.

5. Before proceeding further, it would be appropriate to refer to the legal position as explicated by the Hon'ble Supreme Court of India in ***State of Uttar Pradesh -vs- Arvind Kumar Srivastava*** [(2015) 1 SCC 347), which reads as follows:-

“22. The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under:

22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be



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applied in service matters more emphatically as the service

jurisprudence evolved by this Court from time to time postulates

that all similarly situated persons should be treated similarly.

Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

22.3. However, this exception may not apply in those cases where the judgment pronounced by the court was judgment in rem with intention to give benefit to all similarly situated



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persons, whether they approached the court or not. With such a

pronouncement the obligation is cast upon the authorities to

itself extend the benefit thereof to all similarly situated persons.

Such a situation can occur when the subject-matter of the decision touches upon the policy matters, like scheme of regularisation and the like (see K.C. Sharma v. Union of India [K.C. Sharma v. Union of India, (1997) 6 SCC 721 : 1998 SCC (L&S) 226]). On the other hand, if the judgment of the court was in personam holding that benefit of the said judgment shall accrue to the parties before the court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”

It is amply clear from the said principles that the Court, as the guardian of the fundamental rights of the citizens, would ensure equality of opportunity in public employment and would normally extend the benefit granted in an order to all similarly placed persons irrespective of their approaching the Court for such relief, but that rule would not be applicable when the Court has, either



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expressly or by necessary implication, restricted the relief only to those who had approached it, or in cases where the claim suffers from the laches and delay causing prejudice to the authority against whom it is made or to the third parties in whose favour any right has got vested in the interregnum.

6. It would assume significance here that the Division Bench of this Court ***M.Satheesh Kumar -vs- State of Tamil Nadu*** (Order dated 07.09.2022 in W.P. No. 6201 of 2013 etc., batch) has focally addressed the question as to the entitlement of relief and has restricted it only to the persons, who had then approached the Court in those Writ Petitions, which is evident from the following passages in that order, which are extracted below:-

“38. It is informed that appointments to the posts have already been made with the aforesaid arrangement. In view of the above, it would not be appropriate for us to nullify the appointments already made, but, at the same time, it would not be appropriate to deny the right of appointment to those who were entitled to such appointment in the order of merit. Therefore, the respondents are directed to re-arrange the entire list as per the illustration given by the Apex Court in the case of Anil Kumar Gupta, supra. The illustration given therein is quoted



hereunder:

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“The proper and correct course is to first fill up the OC quota (50%) on the basis of merit; then fill up each of the social reservation quotas, i.e., SC, ST and BC; the third step would be to find out how many candidates belonging to special reservations have been selected on the above basis. If the quota fixed for horizontal reservations is already satisfied — in case it is an overall horizontal reservation — no further question arises. But if it is not so satisfied, the requisite number of special reservation candidates shall have to be taken and adjusted/accommodated against their respective social reservation categories by deleting the corresponding number of candidates therefrom. (If, however, it is a case of compartmentalised horizontal reservation, then the process of verification and adjustment/ accommodation as stated above should be applied separately to each of the vertical reservations. In such a case, the reservation of fifteen per cent in favour of special categories, overall, may be satisfied or may not be satisfied.) Because the



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revised notification provided for a different method of filling the seats, it has contributed partly to the unfortunate situation where the entire special reservation quota has been allocated and adjusted almost exclusively against the OC quota.”

[emphasis supplied]

....

43. *The exercise aforesaid would be undertaken in reference to all the selections under challenge and if any of the petitioners find place in the merit based on the said arrangement, then they would be given appointment in service to the post concerned. However, it is with a clarification that the petitioners would be entitled to the appointment only if they fall in the merit after arranging the lists in the manner given above and not otherwise.*

44. *In those cases where appointments are yet to be made, the arrangement given by us would be applied and if the respondents find it to be offending Section 26 of the Act of 2016, then the same is declared ultra vires the Constitution, because the Constitution and the judgments of the Apex Court do not provide setting apart of the posts for female candidates to be*



arranged vertically.”

Having due regard to the principles laid down by the Hon'ble Supreme Court of India in ***State of Uttar Pradesh -vs- Arvind Kumar Srivastava*** [(2015) 1 SCC 347], it is evident that the declaration of the law by the Division Bench of this Court is *in rem* and would apply to all future selections. At the same time, it has been categorically held that insofar as those cases were concerned, the successful Petitioners before the Court would alone be entitled to the relief, if they were eligible, and that the selections already made would not be disturbed.

7. Another relevant factor which sways to deny the discretionary relief to the Petitioners is the delay and laches tantamounting to acquiescence on their part. Any recruitment made in public service is for sanctioned number of vacancies in the post and it is bounden duty of the State to provide equality of opportunity to all eligible persons to compete and select from amongst them by assessing their *inter se* merit under the respective categories of reservation, in addition to open competition. When the selection takes place, the procedure followed including reservation applied, is made known to all the candidates in the notification, which has to be in accordance with the statutory rules in force. A candidate aggrieved by any such rule followed in that recruitment process would have to then take a decision to impeach the same before the proper



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forum, without brooking delay as otherwise there is presumption that the rules

applied are constitutionally valid and do not suffer from any infirmity. If timely action is not taken in that regard, the persons in whose favour such rule has been created would be fully justified to act on that belief. When the selection process is completed applying the rules and the appointments are made, the selected candidates not only acquire the right to hold that office, but also their legitimate expectation to have permanent employment gets crystallized and they may organize their personal affairs in such manner that they would cease to take any further efforts to search for other suitable avocation. If that accrued right is disturbed at later point of time after the selection process is completed at the instance of unsuccessful candidates in that recruitment, it would certainly cause grave prejudice to the selected candidates, who would have by then altered their position detrimentally and may have also crossed the upper age limit for applying for other posts for which they would be otherwise suitable.

8. The need to fill up vacancies in posts in the Government is imminent for ensuring hassle free service to the general public and as its corollary, it would follow that if challenge to the recruitment made in public services is entertained without any time limit, the vagaries of litigation would adversely affect public interest, especially when there are no more vacancies, apart from severe



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hardship and untold inconvenience caused to the administration of the State with unexpected financial implications, which cannot be countenanced.

9. It must be hastened to clarify here that when there is any challenge made to the rule followed in the selection prior to the declaration of the final result in the selection, the appointment of the selected candidates would be subject to the ultimate outcome of such case then pending and the selected candidates cannot claim any semblance of vested right if the result of that case goes against their interests. Obviously, there is clinching distinction in the time of initiation of litigation, which would mean that persons, who come to the Court at the earliest point of time when they came to know that their rights have been infringed, stand on a different footing altogether than their counter-parts, who approach the Court after the recruitment process is over.

10. In view of the foregoing discussion, the Petitioners in these cases, who are fence-sitters, cannot take advantage of the benefit of the decision of the Division Bench of the Court, and make a claim for extending the benefit to them at this distance of time.



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In the upshot, the Writ Petitions are dismissed without costs.

Consequently, the connected Miscellaneous Petitions are closed.

19.04.2023

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kv/Maya

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 03.07.2023.

To

1. The Secretary to Government of Tamilnadu,
Personnel and Administrative Department,
Fort St. George, Chennai – 600009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai – 600003.
3. The Secretary to Government of Tamil Nadu,
Department of Horticulture and Plantation Crops,
Fort St. George, Chennai – 600009.
4. The Principal Secretary,
Department Animal Husbandry, Dairying,
Fisheries and Fishermen Welfare,
Fort St. George,
Chennai – 600009.
5. The Secretary to Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai – 600009.



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P.D. AUDIKESAVALU, J.

kv/Maya

6. The Member Secretary,
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar
Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai – 600006.
7. The Secretary to Government of Tamil Nadu,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department,
Fort St. George, Chennai – 600009.

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Dated: 19.04.2023

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