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W.A.(MD) No.1129 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) No.1129 of 2023
and
C.M.P.(MD) No.8639 of 2023**

The Tamil Nadu Public Service Commission
represented by its Secretary
Frazer Bridge Road
V.O.C.Nagar
Park Town
Chennai-600 003

... Appellant

-vs-

- 1.V.Ponnuchamy
- 2.The Agricultural Production Commissioner
and Secretary to Government
Agriculture Department
Secretariat, Fort St.George
Chennai-600 009

- 3.The Director of Agriculture
Agriculture Department
Chepauk, Chennai-600 005

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 22.11.2022, passed in W.P.(MD) No.2112 of 2016, on the file of this Court.

For Appellant : Mr.V.Panneer Selvam

For Respondents : Mr.T.Lajapathy Roy, Senior Counsel
for M/s.Lajapathy Roy and Associates for R1
Mr.M.Lingadurai
Special Government Pleader for R2 & R3

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 22.11.2022, passed in W.P.(MD) No.2112 of 2016.

2. Learned counsel appearing for the appellant has also now conceded the position that the reservation should be as held by the learned Single Judge in the writ petition. The view expressed by the learned Single Judge is in accordance with the decision of the Division Bench of this Court in ***M.Satheesh Kumar vs. State of Tamil Nadu and others*** in W.P.No.6201 of



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2013 etc., batch, dated 07.09.2022. However, learned counsel for the appellant states that in view of the observations made in Paragraph No.43 of the said decision, the learned Single Judge ought to have directed the appellant to reconsider the issue and find out whether the first respondent / writ petitioner comes under the reservation category to get appointment.

3. This Court finds that the first respondent has obtained 286.75 marks and he is ranked three (3) in the reserve list. It is also found that the candidates, who have obtained less marks than the first respondent are being selected for appointment. In such circumstances, this Court is unable to find any merit in this writ appeal.

4. At this juncture, learned counsel on either side states that it would be appropriate if the selection process is re-done in terms of the decision of the Honourable Supreme Court in **Saurav Yadav and others vs. State of Uttar Pradesh and others**, reported in **(2021) 4 SCC 542** and also in terms of the observations, more particularly Paragraph No.43, of the Division Bench of this Court in **M.Satheesh Kumar's** case (cited supra).



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5. In view of the above conjoint submissions, the appellant is directed to notionally redo the selection process and consider the candidature of the first respondent in terms of the decision of the Honourable Supreme Court in **Saurav Yadav's** case (cited supra) and in terms (Paragraph No.43) of the decision of the Division Bench of this Court in **M.Satheesh Kumar's** case (cited supra) and appoint the first respondent, if he is selected. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Needless to state that the other candidates, who are selected and working, need not be disturbed.

6. With the above observations, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

26.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

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and Secretary to Government,
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Chennai-600 009.
- 2.The Director of Agriculture,
Agriculture Department,
Chepauk, Chennai-600 005.



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