



W.P.(MD).No.7334 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.7334 of 2016

and

W.M.P.(MD).Nos.6166 and 6167 of 2016

K.Krishnaveni

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by the Director,
Department of Sericulture,
Nethaji Nagar, Asthampatti,
Salem District – 636 007.

2.The Assistant Director of Sericulture,
Post Box No.7,
Melagaram,
Nannagaram (Post),
Tenkasi,
Tirunelveli District – 627 811.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the Non Selection of the petitioner in the post of Junior Inspector of Sericulture for the year 2015-2016 as illegal and violative of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments of posts in the services under the State within



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the Reservation for the Scheduled Castes) Act, 2009 and Rules notified in G.O.Ms.No.65, Personal and Administrative Reforms (K) Department dated 27.05.2009 and consequently for a direction, directing the Respondent No.1 to include the petitioner's name in the selection list and appoint the petitioner in the post of Junior Inspector of Sericulture for the year 2015-2016 within the time period stipulated by this Court.

For Petitioner : Mr.G.Karthik,
For M/s.Lajapathi Roy & Associates.

For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

This Writ Petition is filed for Writ of Declaration to declare the non selection of the petitioner in the post of Junior Inspector of Sericulture for the year 2015-2016 as illegal and consequently direct the first respondent to include the petitioner's name in the selection list and appoint the petitioner in the post of Junior Inspector of Sericulture for the year 2015-2016.

2. The petitioner is fully qualified to be appointed to the post of Junior Inspector of Sericulture. The respondents have issued notification in



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Advertisement No.01/2016 dated 13.01.2016 for 257 posts of Junior Inspector of Sericulture. The petitioner who belongs to Scheduled Caste (Arunthathiyar) category applied to the said post. The contention of the petitioner is that the respondents have kept the meritorious Scheduled Caste and Scheduled Caste (Arunthathiyar) in the Scheduled Caste Category itself, thereby deprived the petitioner's opportunity to be selected under Scheduled Caste Category for which she relying on the marks secured by two persons in Serial No.39 and 139. In Serial No.39, one P.Arjunan had secured 139 marks and in Serial No. 139, one Mathiazhagan SC(A) had secured 134.25 marks. The cut off mark prescribed for General category is 134.25. If the said Arjunan and the said Mathiazhagan who were belongs to SC(A) are kept under the General category, since they have obtained above the cut off marks, 2 vacancies would be available for the persons who are SC and SC (Arunthathiyar) category. If the respondents have kept 2 persons away from the SC category, then the petitioner would get a chance in the SC category, so that, she could be selected in the post. However, the respondents submitted that the petitioner has secured only 97 marks and the cut off marks for SCA-Women category is 102.50. Since she is not coming within the zone of consideration, she cannot be considered. The said contention cannot be accepted, since the cut off marks is a variable



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component, if the said meritorious candidates are taken away from SC list and placed in the General category, then the respondents ought to rework the cut off marks by taking all the SC candidates including the petitioner thereafter arrived at the cut off marks. In the subsequent calculation of cut off marks, if the petitioner is coming within the zone of consideration, then the respondents shall consider the petitioner's case. At this stage, the respondents have expressed their apprehension that the entire 257 posts were filled up and now there is no post available.

3. Therefore, this Court if of the considered opinion that the respondents have followed the principles which is against the recruitment procedures, especially the reservation granted to SC and SC(A) categories. In the recruitment process conducted by the TNPSC or the TRB, they are following the policy that the meritorious candidates who comes under reservation category ought to be placed under the General category only. If it is not followed, then the General category will be filled up by the Forwarded Community alone, that is why, the meritorious candidates are kept under the General category. Therefore, the respondents are directed to consider the petitioner's case as per the reservation policy. The respondents shall keep the



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said Arjunan and Mathiazhagan in General category and thereafter rework the cut off marks only for SC(A) and SC categories. If the cut off marks is fixed after this calculation, and if the petitioner is coming within the zone of consideration by taking her mark as 97, then the petitioner's candidature shall be considered and she shall be issued with an appointment order. If the petitioner again is not coming within the zone of consideration, inspite of reworking the cut off marks, then the petitioner is not entitled to. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.04.2023

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



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The Government of Tamil Nadu,
Department of Sericulture,
Nethaji Nagar, Asthampatti,
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S.SRIMATHY, J.

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