



W.P.(MD).No.23361 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23361 of 2017

and

W.M.P.(MD).Nos.19630 and 19631 of 2017

M.Mahalakshmi

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 600 003.

2.The Secretary to the Government,
Home (Prison II) Department,
Secretariat,
Fort.St.George,
Chennai – 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned provisional selected list of candidates for the post of Assistant Jailor in Prison Department dated 5.12.2017 and quash the same insofar as non inclusion of the name of the petitioner and consequently direct the respondent herein to appoint the petitioner as Assistant Jailor in prison Department under the women category as per Section 26(2) of Tamilnadu Government Servants (Conditions of Service) Act 2016 within the time stipulated by this Court.



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For Petitioner : Mr.S.Ramsundar Vijayraj,
For M/s.Veera Associates.

For R-1 : Mr.V.Panneer Selvam,
Standing Counsel

For R-2 : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

This Writ Petition is filed for Certiorarified Mandamus, to quash the impugned order provisional selection list of candidates for the post of Assistant Jailor Prison Department dated 05.12.2017 and consequently direct the respondents to appoint the petitioner as Assistant Jailor under women category as per Section 26(2) of the Tamil Nadu Government Servants Conditions of Service, Act, 2016.

2. The petitioner was appointed as Jail Warder Grade-II on 22.08.2005 and she has rendered service for the past 12 years. The first respondent has issued the Notification No.6/2016 dated 09.03.2016 inviting the applications for direct recruitment to fill the vacancies of Assistant Jailor in the Prison Department for 104 vacancies. The petitioner is relying on the notification issued by the first respondent which states as under:



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ADDENDUM TO NOTIFICATION NO.6/2016, DATED

09.03.2016

In Advertisement No.433/2016, Notification No. 6/2016 published on 09.03.2016 after the entries (A) “The rule of reservation of appointment is applicable to this post” under the heading General information in para 6, the following shall be added:-

“Not exceeding 10% vacancies of direct recruitment quota shall be filled up from the categories of Warders, Grade-I and Grade-II of the Tamil Nadu Jail Subordinate Service, who are graduates and have put in five years of service in their respective categories” (The G.O.Ms.No.830, Home (Prison-II) Department, dated 27.05.2004 is available at Annexure)

The notification specifically states to follow the rules of reservation to the said post and 10% vacancies are reserved for the in-service candidates. Hence, the petitioner submits that for filling up 10% in-service candidates quota, the TNPSC should follow the rules of reservation. If the first respondent is following the rules of reservation especially under the priority quota of women category, then the petitioner will be the eligible candidate to be appointed. Since, the respondents have not followed the above procedure, the petitioner is before this Court.

3. Since it is the matter of policy decision, the TNPSC is not the appropriate authority. Therefore, this Court is of the considered opinion that the second respondent is the appropriate authority to consider the same. Hence,



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the petitioner is directed to submit a representation to the second respondent within a period of two (2) weeks from the date of receipt of a copy of this order.

The second respondent shall clarify whether the rules of reservation is applicable for in-service candidates for recruitment to the post of Assistant Jailor and thereafter the second respondent shall pass orders within a period of eight (8) weeks from the date of submission of representation.

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.

27.06.2023

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



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S.SRIMATHY, J.

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