



W.P.No.19563 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.19563 of 2012

and

M.P.Nos.1 & 2 of 2012

K.N.Govardhanan

...Petitioner

-Vs-

- 1.State of Tamil Nadu, rep. by its
Secretary to Government,
Tamil Development, Religious
Endowment and Information
Department, Secretariat,
Chennai – 600 009.
- 2.State of Tamil Nadu, rep. by its
Secretary to Government,
Personnel & Administrative
Reforms Department,
Secretariat, Chennai – 9.
- 3.Secretary,
Tamil Nadu Public Service Commission,
Greens Road, Chennai – 6.
- 4.Commissioner,
Hindu Religious & Charitable
Endowments (Admn.) Department,
Chennai – 600 034.
- 5.Selvi P.Vijaya



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6.K.Ramu

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7.T.Rathinavelpandian

8.N.Visagamoorthy

...Respondents

R5 to R8 impleaded as per order dated 15.12.2014 by MMSJ in M.P.No.1 of 2014 in W.P.No.19563 of 2012.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the select list issued by the 3rd respondent in his proceedings No.Nil, dated 05.07.2012 for appointment by direct recruitment to the post of Assistant Commissioner in the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department included in Group-I B Service, 2009-2011 and quash the same and direct the respondents to re-do the selection on the basis of merit and to consider the petitioner for appointment to the post of Assistant Commissioner in Tamil Nadu Hindu Religious & Charitable Endowments Administration Department notified in Notification in Advertisement No.274 of the 3rd respondent dated 16.04.2011 and pass such further orders.

For Petitioner : M/s.S.Thendral for
M/s.C.S.Associates

For R1, R2 & R4 : Mr.K.Karthikeyan
Government Advocate

For R3 : Mr.I.Abrar Mohamed Abdullah
Standing Counsel for TNPSC



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For R5 to R8 : Mr.S.Silambannan
Senior Counsel
M/s.Profexs Associates

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the select list issued by the 3rd respondent in his proceedings No.Nil, dated 05.07.2012 for appointment by direct recruitment to the post of Assistant Commissioner in the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department included in Group-I B Service, 2009-2011 and direct the respondents to re-do the selection and to consider the petitioner for appointment to the post of Assistant Commissioner in the Tamil Nadu Hindu Religious & Charitable Endowments Administration Department notified in Notification in Advertisement No.274 of the 3rd respondent dated 16.04.2011.

2. The case of the petitioner is that he passed B.A.B.L. in 2007 and was practicing as an Advocate before the Madurai Bench of Madras High Court and the 3rd respondent called for applications to fill up the posts of Assistant Commissioner in the Tamil Nadu Hindu Religious & Charitable



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Endowments Administration Department in and by its Notification dated

16.04.2011. Totally notified vacancies are nine. In the said notification, they have stated that the rule of reservation is applicable. They have not notified the number of posts for various categories and the petitioner belonged to Backward Class community and applied for the above post. A written test was conducted on 06.08.2011. As per the notification, the minimum eligibility to apply for the post is a Law Degree with 3 years of practice as an Advocate since the petitioner possesses the eligible qualification he participated in the examination.

3. Learned counsel for the petitioner submitted that the result was published on 06.06.2012 and totally 27 candidates successfully passed the written examination. All 27 candidates were called for the oral test on 20.06.2012. The petitioner also appeared for the oral test and finally, the 3rd respondent published the marks obtained by all the candidates through the website. The petitioner secured 507 marks and was assigned 6th rank in overall and 4th rank in B.C. category. Since they have not identified the number of posts for various categories, the petitioner was unable to find out his actual position in the select list. Ultimately, they published the select list



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on 05.07.2012. In the select list, they cleared for 8 candidates and withheld the result of one candidate. They also published reserve list for 7 candidates.

From the select list, the petitioner was able to find out 2 candidates bearing Regn.No.00101087 and No.00101144 were selected who have secured 480 and 390 marks respectively, whereas the petitioner secured 507 marks. Therefore, the petitioner made representation to the 3rd Respondent on 13.07.2012 and the same was not considered by the 3rd respondent till the date of filing the present writ petition. The father of the petitioner also made application under the Right to Information Act on 07.07.2012 and sought for information regarding the allotment of posts for various categories for reservation, details of the reservation, but there was no reply from the respondents.

4. Learned counsel further submitted that the Notification did not disclose number of vacancies reserved for various categories. The Tamil Nadu Public Service Commission notified the number of posts for various categories in the Notifications for other posts, which has not been done in the case of Assistant Commissioner in the Tamil Nadu Hindu Religious & Charitable Endowments Administration Department. It is to be noted that



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two candidates who secured less marks than the petitioner had been selected in the absence of any details in which category they had been selected. The petitioner was unable to ascertain the correctness of the select list. The above two candidates belong to the same category to which the petitioner belongs, i.e. B.C. (OBCM) (Other than Backward Class Muslim). Aggrieved by the above, the petitioner approached this Court challenging the selection of the two candidates by way of filing this present writ petition.

5. A counter affidavit was filed on behalf of the 3rd respondent on 06.11.2013 and the same reads as follows:

*4. It is submitted that the petitioner Thiru.K.N.Govardhanan (Reg.No.01002230) is one among the candidates who had applied to the Commission for the said recruitment. He belongs to BC Community and has obtained totally 507.00 marks (written examination mark-453.00 + oral test mark 54.00). In this connection, it is submitted that based on the marks obtained by him in the written examination and at the oral test taken together and following the Rule of reservation of appointments and the Number of vacancies, etc., he has not been selected. **The last candidate selected for the said post in the category of the petitioner has obtained totally 510 marks.***

*5. It is further submitted that the turns 1 to 26 have already been utilized in the previous recruitment for the year 2005-2006 to 2008-2009. **For this recruitment the turns from 27 to 35 have been utilized as below:***



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Turns	No of vacancies
27. GT (Blind)	1
28. MBC / DC	1
29. GT (Women)	1
30. BC (OBCM) (W)	1
31. GT (PSTM)	1
32. SC (A)	1
33. MBC / DC	1
34. BC (OBCM)	1
35. GT	1
Total	9

6. With reference to the averment in para 3 of the affidavit it is humbly submitted that the candidate with Reg. No.00101087 belongs to Backward Class community and had obtained totally 480.00 marks and was selected against GT (PSTM) Category (31st Turn). It is further submitted that the candidate with Reg.No.00101144 belongs to Backward Class community and has obtained 390.00 marks was selected against GT D.A (Blind) Category (27th Turn).

7. The marks secured by the last candidate selected against Backward Class (General) and General Turn (General) category are as follows:

BC (OBCM)(General) - 510.00

GT (General Turn) - 517.50

Whereas the petitioner has obtained only 507.00 marks.

6. Heard both sides and perused the materials available on record.



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7. The first contention of the petitioner is that two candidates bearing Regn.No.00101087 and No.00101144 were selected who secured 480 and 390 marks respectively, whereas the petitioner secured 507 marks and he belonged to Backward Class community. The second contention of the petitioner is that in the notification it is stated that the rule of reservation is applicable but they have not notified for the number of posts for various categories.

8. It can be seen from the counter affidavit, the marks of the last candidate selected for the said post in the Backward Class community is 510 marks whereas the petitioner secured only 507 marks. Hence, he is not eligible for appointment to the post of Assistant Commissioner in the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department included in Group-I B Service, 2009-2011.

9. This apart, the other two candidates to whom the petitioner was referred have secured less marks than the petitioner; the candidate who obtained 480 marks bearing Reg.No.00101087 was selected against GT (PSTM) category (31st Turn) and the other candidate, who obtained



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390 marks bearing Reg.No.00101144 was selected against GT D.A (Blind) category (27th Turn) as stated supra.

10. In view of the above factual matrix of the case, the select list issued by the 3rd respondent in his proceedings No.Nil, dated 05.07.2012 for appointment by direct recruitment to the post of Assistant Commissioner in the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department included in Group-I B Service, 2009-2011 does not warrant any interference from this Court and the same is hereby confirmed.

In the result, the writ petition stands dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

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cda
Index : Yes/No
Speaking/Non Speaking order

J.SATHYA NARAYANA PRASAD, J.



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- To
1. Secretary to Government,
State of Tamil Nadu,
Tamil Development, Religious
Endowment and Information
Department, Secretariat,
Chennai – 600 009.
 2. Secretary to Government,
State of Tamil Nadu,
Personnel & Administrative
Reforms Department,
Secretariat, Chennai – 9.
 3. Secretary,
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