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W.A. No.1656 of 2021 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

and

THE HONOURABLE MR.JUSTICE **C.KUMARAPPAN**

W.A.Nos.1405, 1633, 1656, 2742, 2744 and 2747 of 2021
and
C.M.P. Nos.8670, 10220, 10458, 17997, 17999, 18001, 18009
and 18010 of 2021

W.A.No.1405 of 2021

1.Tamil Nadu Public Service Commission
rep. By its Secretary,
Frazer Bridge Road,
Park Town, Chennai – 600 003.

2.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Park Town, Chennai – 600 003.

... Appellants

-VS-

1.The Government of Tamil Nadu
rep. By its Secretary,
Personnel and Administrative
Reforms Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.V.Vinaya Bharathi

... Respondents

W.A.No.1633 of 2021

1.Tamil Nadu Public Service Commission
rep. By its Secretary,
TNPSC Road, Park Town, Chennai – 600 003.



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2.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town, Chennai – 600 003.

... Appellants

-VS-

1.The Government of Tamil Nadu
rep. By its Secretary,
Personnel and Administrative
Reforms Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.P.Agilan

... Respondents

W.A.No.1656 of 2021

1.Tamil Nadu Public Service Commission
rep. By its Secretary,
TNPSC Road,
Park Town, Chennai – 600 003.

2.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town, Chennai – 600 003.

... Appellants

-VS-

1.The Government of Tamil Nadu
rep. By its Secretary,
Personnel and Administrative
Reforms Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.S.Vinothkumar

... Respondents



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W.A.No.2742 of 2021

The Government of Tamil Nadu
rep. By its Secretary,
Personnel and Administrative Reforms
Department, Secretariat,
Fort St. George, Chennai – 600 009.

... Appellant

-VS-

1.S.Vinothkumar

2.Tamil Nadu Public Service Commission
rep. By its Secretary,
Frazer Bridge Road, Park Town,
Chennai – 600 003.

3.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai – 600 003.

... Respondents

W.A.No.2744 of 2021

The Government of Tamil Nadu
rep. By its Secretary,
Personnel and Administrative Reforms
Department, Secretariat,
Fort St. George, Chennai – 600 009.

... Appellant

-VS-

1.V.Vinaya Bharathi

2.Tamil Nadu Public Service Commission
rep. By its Secretary,
Frazer Bridge Road, Park Town,
Chennai – 600 003.

3.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai – 600 003.

... Respondents



W.A. No.1656 of 2021 etc., batch

W.A.No.2747 of 2021

The Government of Tamil Nadu
rep. By its Secretary,
Personnel and Administrative Reforms
Department, Secretariat,
Fort St. George, Chennai – 600 009.

... Appellant

-VS-

1.P.Agilan

2.Tamil Nadu Public Service Commission
rep. By its Secretary,
Frazer Bridge Road, Park Town,
Chennai – 600 003.

3.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai – 600 003.

... Respondents

Prayer in W.A.No.1405 of 2021: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.02.2021 made in W.P.No.24351 of 2019.

Prayer in W.A.No.1633 of 2021: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.02.2021 made in W.P.No.24599 of 2019.

Prayer in W.A.No.1656 of 2021: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.02.2021 made in W.P.No.24354 of 2019.



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Prayer in W.A.No.2742 of 2021: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.02.2021 made in W.P.No.24354 of 2019.

Prayer in W.A.No.2744 of 2021: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.02.2021 made in W.P.No.24351 of 2019.

Prayer in W.A.No.2747 of 2021: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.02.2021 made in W.P.No.24599 of 2019.

For Appellants : Ms.G.Hema
in W.A.Nos.1405, 1633 and
1656 of 2021

Mr.R.Neelakandan,
Additional Advocate General
assisted by
Mr.S.John J.Raja Singh,
Addl. Govt. Pleader
in W.A.Nos.2742, 2744 and
2747 of 2021

For Respondents : Mr.R.Neelakandan,
Additional Advocate General
assisted by
Mr.S.John J.Raja Singh,
Addl. Govt. Pleader for R1
in W.A.Nos.1405, 1633 and
1656 of 2021
Mr.C.K.Chandrasekaran for R2
in W.A.Nos.1405, 1633 and
1656 of 2021
Mr.C.K.Chandrasekaran
for R1 in W.A.Nos.2742, 2744
and 2747 of 2021



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Ms.G.Hema for R2 and R3
in W.A.Nos.2742, 2744 and
2747 of 2021

COMMON JUDGMENT

[Judgment of the Court was delivered by
S.M.SUBRAMANIAM,J.]

The Tamil Nadu Public Service Commission issued Notification No.19/2017 dated 31.08.2017. As per the Notification, applications are invited through online mode from eligible applicants against the vacancies for the post of Assistant in the Departments of Secretariat to be made by recruitment by transfer from among the holders of the post of Junior Assistant or Assistant in the Tamil Nadu Ministerial Service and Tamil Nadu Judicial Ministerial Service.

2. It is not in dispute that the writ petitioners submitted their respective applications through proper channel and participated in the process of selection. The writ petitioners were selected and appointed into the Secretariat service. They joined in Secretariat and been serving for about 1 ½ years. When the writ petitioners were in verge of promotion, the authorities found that the appointment of the writ petitioners by way of transfer of service is



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in violation of conditions stipulated in the Notification and accordingly initiated action. The writ petitioners are admittedly not served as employees either in the Tamil Nadu Ministerial Service or in Tamil Nadu Judicial Ministerial Service. The employees working in Ministerial Services alone are eligible to apply for recruitment to the post of Assistant in Secretariat service by way of transfer of service. On the said ground, actions were initiated against the writ petitioners, which resulted in filing of writ petitions.

3. The learned single Judge considered the facts and circumstances and found that the writ petitioners are not at fault and further they were allowed to serve in Secretariat. It is not in dispute that the writ petitioners were selected on merits. Under those circumstances, the writ Court directed the Government to revisit the appointment of the writ petitioners and directed the respondents therein to pass appropriate orders after due examination and appreciation of the case of the writ petitioners within a period of six weeks. Since the writ Court directed the respondents therein to consider the case of the writ petitioners and pass an order afresh, we are not inclined to interfere with the order of the writ Court. As per the direction of the writ Court, the respondents therein are directed to pass appropriate orders on



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merits and in accordance with law as expeditiously as possible.

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4. With the above directions, these writ appeals are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.) (C.K.J.)
07.06.2024

Index: Yes/No
Neutral Citation: Yes/No
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To

- 1.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai – 600 003.
- 2.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai – 600 003.
- 3.The Secretary to Government of Tamil Nadu,
Personnel and Administrative Reforms
Department, Secretariat,
Fort St. George, Chennai – 600 009.



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W.A. No.1656 of 2021 etc., batch

**S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.**

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07.06.2024