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W.P.No.10130 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Writ Petition No.10130 of 2024
and W.M.P.Nos.11173 & 11174 of 2024**

R.Vijayakumar

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai – 600 003.
2. Joseph (Group II A Reg. No.0501043013)
Junior Assistant, Aranthangi Government School,
Pudukottai District.
3. Baskar (Group II A Reg. No.2701059255)
Senior Bailief, Arakonam Court,
Arakonam.
4. Ganesan (Group II A Reg No.2004002013),
Junior Assistant, Government High School,
Kallakurichi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to eliminate the respondents 2 to 4 who already availed concession under Ex-Servicemen quota in the Group II A posts recruiting under



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Notification No.03/2022 dated 23.02.2022, complying of Section 3(j) of Tamil Nadu Government Servants (conditions of Service) Act, 2016, (In all cases, an Ex-Servicemen once recruited to a post in any class or service or category, cannot claim the concession of being called an ex-servicemen for his further recruitment), by considering the petitioner's representation dated 22.02.2024.

For Petitioner : Mr.V.Regunathan

For Respondents : Mr.P.Wilson
Senior Counsel
assisted by Ms.Hema
Standing Counsel [R1]

ORDER

This writ petition is filed for a writ of mandamus directing the first respondent to eliminate the respondents 2 to 4, who already availed the concession under the Ex-servicemen quota in the Group -II A posts recruiting under notification No.3 of 2022 in due compliance of Section 3(j) of Tamil Nadu Government Servants (conditions of Service) Act, 2016 and by considering the petitioner's representation dated 22.02.2024.

2. The brief facts, which are necessary for the disposal of this writ petition are, that by a notification bearing No.3 of 2022, dated 23.02.2022, the first respondent has called for application in respect of



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vacancies to various posts mentioned therein, which form part of Group -II and Group -II A. Depending on the number of vacancies, the reservation policy also is being followed, whereby certain posts are earmarked for ex-servicemen.

3. The contention of the petitioner is that the petitioner has written examination. In spite of doing well, the petitioner is ranked at 268. He would submit that the petitioner is not called for certificate verification. There are several other candidates above the petitioner in the category of ex-servicemen who were called for certificate verification. It is the contention of the petitioner that those candidates are already recruited to Government service or in employment. According to the learned counsel for the petitioner as per Section 3(j) read with first proviso of the Tamil Nadu Government Servants (conditions of Service) Act, 2016, an ex-servicemen once recruited to a post in any service or class or category, cannot claim the concession of being called an ex-serviceman for his further recruitment.

4. He would submit that a reading of first proviso to Section 3(j) would make it clear that this option of getting selection under an ex-servicemen can be availed only once and so long as he is not selected



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once appointed to any post thereafter, for the second time, he cannot claim any preference under the same quota.

5. Mr.P.Wilson, learned Senior Counsel appearing on behalf of the first respondent would submit that the apprehension of the petitioner is unfounded. According to him, Section 3(j) read with first proviso is very clear that as argued by the learned counsel for petitioner, if any person applies to any post under ex-servicemen and he got selection to any service, thereafter for the second time he cannot apply to any post claiming preference as ex-servicemen and the selection is being done in due compliance of Section 3(j) only. He would also submit that the said position is made clear in the instructions to the candidates.

6.He would further submit that as a matter of fact some of the candidates, who want to avail the concession for the second time had moved the Madurai Bench of this Court by way of writ petition in W.P.(MD).Nos.1425 to 1427 of 2024 and had obtained an interim order and the same is being contested on its own merits before the Court.

7. As on date, there is no question of considering the candidates, who are already employed except complying with the interim directions



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of this Court.

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8. In that view of the matter, the petitioner's apprehension is unfounded.

9. Recording the submission of the learned Senior Counsel appearing on behalf of the first respondent, this writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

11.06.2024

Neutral Citation: No
mp

To

The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai – 600 003.



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D.BHARATHA CHAKRAVARTHY, J.

mp

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