



W.P.No.12165 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12165 of 2024
and W.M.P.Nos.13256, 13257 and 13261 of 2024

R.Sreenanthini

.. Petitioner

Versus

1. The State of Tamil Nadu Represented by
Chief Secretary to Government,
Secretariat,
Chennai - 600 009.
2. The Principal Secretary to Government,
Human Resource Management Department,
Secretariat,
Chennai - 600 009.
3. The Chairman,
Tamil Nadu Public Service Commission,
Chennai - 600 003.
4. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.
5. The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town,
Chennai - 03.



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6. The District Collector,
Thiruvannamalai District.

7. The Sub-Collector,
Cheyyar,
Thiruvannamalai District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari calling for the records relating to the impugned Notification in Advertisement No.683, Notification No.4 of 2024, dated 28.03.2024 issued by the 4th respondent and quash the same as illegal.

For Petitioner : Mr.Ali Hasan Khan

For Respondents : Mr.C.Jayaprakash,
Government Advocate,
for RR-1, 2, 6 and 7

: Mr.R.Bharanidharan,
for RR-3 to 5

ORDER

This Writ Petition is filed challenging the clause 4.5.1 of the impugned Notification No.4 of 2024, dated 28.03.2024 which reads as follows :-

"4.5. Restrictions on applying for the Examination:

4.5.1. The candidates not belonging to SCs, SC(A)s, STs, MBCs/DCs, BC(OBCM)s, and BCMs, who have put in five years or more of service, since his/her first appointment to a service of Government of India or



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Government of a State / Union Territory, are not eligible to apply even if they are within the age limit."

2. When the matter came up for hearing, *Mr.R.Bharanidharan*, learned Counsel for the TNPSC points out that the said clause only implements the mandate of Section 3(r) of the *Tamil Nadu Government Servants (Conditions and Service) Act, 2016*. Section 3(r) of the said *Act* is extracted hereunder:-

"3. In this Act, unless the context otherwise requires,—

.
. .
.

(r) "recruited direct to a service" means when a candidate, in case his first appointment to a service, class or category has to be made in consultation with the Commission, on the date of its notification inviting applications for the recruitment and in any other case, at the time of his first appointment thereto, he is not in the service of the Government of India or the Government of a State:

Provided that, for the purpose of this definition, a person shall be deemed to be not in the service of the Government of India or the Government of a State—

(i) if a period of five years has not elapsed since his first appointment to a service of the Government of India or the Government of a State; or

(ii) if he belongs to the Scheduled Castes, Schedules Tribes or Backward Classes;"



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3. In view thereof, the learned Counsel for the petitioner submits that the petitioner may be permitted to withdraw the Writ Petition with a liberty to challenge the said provision along with the present notification.

4. With the liberty as aforesaid, this Writ Petition is dismissed as withdrawn. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.04.2024

Index : yes
Speaking order
Neutral Citation : no
grs

To

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2. The Principal Secretary to Government,
Human Resource Management Department,
Secretariat,
Chennai - 600 009.
3. The Chairman,
Tamil Nadu Public Service Commission,
Chennai - 600 003.



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4. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.
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