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WA.No.2382 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

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

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

**WA.No.2382 of 2021**

**and**

**CMP.No.15189 of 2021**

N.A.Vikram

... Appellant

Vs.

1. Union Public Service Commission,  
Rep. by its Secretary,  
Dholpur House,  
Shahjahan Road,  
New Delhi-110 069.
2. The Union of India  
Rep. by its Secretary to Government  
Ministry of Environment and  
Forest, Paryavaran Bhavan,  
CGO Complex, Lodi Road,  
New Delhi-110 003.

... Respondents

**Prayer:** Writ Appeal filed under Clause 15 of The Letters Patent, praying to set aside the order made in WP.No.20716 of 2013 dated 18.11.2020 and consequently, quash the order issued by the 1<sup>st</sup> respondent made in IFOS 2012/Roll No.43188/B.IX dated 04.04.2013 and direct the respondent to treat



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his candidature as OBC category by allowing the writ appeal and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Appellant : Smt.Selvi George  
For Respondents : Mr.V.Chandrasekaran  
SPC for R1  
Mr.A.Kumaraguru  
CGSC for R2  
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### **JUDGMENT**

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

The present intra-Court appeal has been instituted against the order dated 18.11.2020 in WP.No.20716 of 2013. The Writ Petitioner is the appellant before us. The writ petition was instituted questioning the validity of the order dated 04.04.2013 treating the candidature of the petitioner as General Candidate in the Union Public Service Commission examination held for selection and appointment to the post of Indian Forest Services.

2. Pursuant to the Recruitment Notification by the Union Public Service Commission of the year 2012, the petitioner participated. The petitioner participated in the earlier Recruitment processes conducted by UPSC in the year 2008 and 2009 for Indian Forest Services as general candidate. However,



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in 2011 and 2012, he submitted his application as OBC candidate.

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3. Smt.Selvi George, learned counsel appearing on behalf of the appellant would contend that the petitioner belongs to “Ayeera Vaisyar Community” and as per the appellant, his community is classified as “OBC” in the State of Tamil Nadu. Initially, the petitioner has not submitted any valid certificates to establish his community as OBC in the Central list. Therefore, through order dated 04.04.2013, the Union Public Service Commission has communicated stating that the community of the petitioner i.e., AyeeraVaisyar has not been notified as OBC in the Central OBC list in respect of Tamil Nadu State. Therefore, the candidature of the appellant had been treated as General candidate.

4. The learned counsel for the appellant Smt.Selvi George would contend that a Miscellaneous application has been filed to produce the answer sheet of the petitioner, since he is confident about his performance in the examination. Admittedly, there is no scheme for retotalling or revaluation of answer sheets. In the absence of any scheme under the notification or in the Rules, the High Court cannot entertain such claims. That apart, it is contended that only the spelling differs in respect of Ayira Vaisyer community. In this context, the counter filed by UPSC would state that “neither of these two



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castes is included in the Central list of OBC of Tamil Nadu, the State to which his father originally belongs as the candidate himself mentioned vide col.14(N) of Detailed Application Form (DAF). It is relevant to extract the following paragraph in the counter affidavit:-

*“iii. He has furnished two OBC caste certificate-one from Tamil Nadu State mentioning his community Hindu AYEERA VAISYAR and other community certificate for migrants belonging to other Backward Class from Union Territory of Pondicherry mentioning the community as AYIRA VAISYER. In this regard it is submitted that the caste AYEERA VAISIAR is included in the Central List of OBC for Pondicherry whereas the caste AYIRA VAISYAR is included only in the State list of OBC of Tamil Nadu. However, neither of these two castes is included in the Central List of OBC of Tamil Nadu, the State to which his father originally belongs as the candidate himself mentioned vide col. 14(N) of Detailed Application Form (DAF). In this case, the candidate's father originally belongs to Tamil Nadu and the community mentioned in the OBC certificate furnished by the candidate does not figure in the central list of OBC for the state of Tamil Nadu. Hence, the candidate's claim for OBC status was not found acceptable. He was considered as a General (UR) candidate. He did not qualify in the final results of IFoS Examination, 2012. As the OBC claim of a*



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*candidate is determined in relation to the State (or part of the State) to which his/her father originally belongs, a candidate who has migrated from one State (or part of the State) to another should therefore produce an OBC certificate.”*

5.The appellant participated in the Recruitment of the year 2012. He was considered as General Candidate in the examination, since he had not produced OBC certificate to establish that his community has been included in the Central list. Admittedly, the appellant was unsuccessful in the examination, since he has not reached the cut-off mark. Therefore, we are not inclined to consider the relief.

6. Accordingly the writ order impugned dated 18.11.2020 passed in WP.No.20716 of 2013 stands confirmed and the Writ Appeal is dismissed. No costs. Consequently, connected CMP is also closed.

[S.M.S., J.] [C.K., J.]  
24.06.2024

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Index : Yes  
Speaking order : Yes  
Neutral Citation : Yes/No



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**S.M.SUBRAMANIAM, J.**

**and**

**C.KUMARAPPAN, J.**

kmi

To

1. The Secretary,  
Union Public Service Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi-110 069.
2. The Secretary to Government,  
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