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W.P.No.20333 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20333 of 2023

and

W.M.P.No.19694 of 2023

M.Ramakrishnan

.. Petitioner

Vs.

1.The Tamilnadu Construction Workers
Welfare Board rep. By
The Secretary,
No.8, Valluvar Kottam High Road,
Nungambakkam,
Chennai – 600 034.

2.The Tamilnadu Construction Workers
Welfare Board,
Rep. by its Chairman,
No.8, Valluvar Kottam High Road,
Nungambakkam,
Chennai – 600 034.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue appointment order to the petitioner for the post of Junior Assistant under the reservation for SC (Adi Dravidar) category as per the Notification No.2/2018 dated 17.10.2018, by considering his representation dated 18.05.2023.



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For Petitioner : Mr.N.Manokaran
For Respondents : Mr.K.Baskar
for Ms.S.Valliammal
and Mrs.R.Deepika Sonali

ORDER

When the writ petition came up for hearing on 24.10.2024, this
Court passed the following order:

“WP.No.20333 of 2023 has been filed for the issue of a writ of mandamus directing the respondents to appoint the petitioner in the post of Junior Assistant under SC [A] category as per Notification dated 17.10.2018.

2.The case of the petitioner is that he had submitted his application along with all the relevant documents and he was specifically claiming under the category SC [PSTM]. The petitioner while submitting the application at Serial No.13 had ticked the option 'No' where he was asked whether he is claiming any priority. However, the petitioner had uploaded the PSTM certificate. After the petitioner participated in the written test and he secured 62 marks, the petitioner was called for interview through communication dated 07.01.2020. Even in this communication, the petitioner was asked to submit the original PSTM certificate.

3.The respondents have taken a stand that the petitioner did not claim for any priority and



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therefore, the petitioner was considered under the SC category in general turn. In this category, totally 5 seats were allotted and 5 persons who secured higher marks ranging from 73 to 64 marks were selected and appointed. It is therefore stated that the petitioner is not eligible to be considered under SC general category.

4.On going through the Notification, it is seen that 2 seats are allotted under the SC [PSTM] general category. The learned Standing Counsel appearing on behalf of the respondents based on oral instructions submitted that both the vacancies have been filled up.

5.The learned counsel for the petitioner submitted that when the writ petition was entertained on 07.08.2023, this Court directed the respondents to keep one post of Junior Assistant/Data Entry Operator vacant till the final disposal of the writ petition. It was therefore contended that the respondents could not have filled up both the posts under SC [PSTM] general category.

6.The learned Standing Counsel shall take instructions on the following ;

(a) Whether the 2 posts under SC [PSTM] general category has been filled up after the interim order was passed by this Court on 07.08.2023.

(b) Whether any candidate under SC [PSTM] general category have secured more marks than the petitioner [62 marks] in the written examination.”



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2. When the matter was taken up for hearing today, additional typed set of papers was filed. On going through the same, it is seen that appointment orders were issued to two candidates falling under SC (PSTM) General Category on 02.05.2023. Hence, a specific stand has been taken by the respondents to the effect such appointment order was issued even before interim orders came to be passed by this Court on 07.08.2023. It is also brought to the notice of this Court that out of the two candidates, one of the candidate had secured 63 marks and other candidate had secured 61 marks.

3. If the present position is to be disturbed by directing the petitioner to be considered under SC(PSTM) category, one of the two candidates who have already been appointed will have to be dislodged. In which case, the said candidate will have to be put on notice and must be heard.

4. At this length of time, this Court does not want to undertake this exercise. This is more so, since the petitioner in the application had ticked the option “NO” where he was asked whether he is claiming any



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priority. Therefore, this Court is not inclined to grant the relief as sought for by the petitioner.

5.In the result, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

29.10.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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Welfare Board rep. By
The Secretary,
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Rep. by its Chairman,
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N.ANAND VENKATESH, J.

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