



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.25211 & 25744 of 2024
and W.M.P.Nos.27533 & 28119 of 2024

W.P.No.25211 of 2024

- 1.M.Logeswaran
- 2.A. Murugan
- 3.K.Venkatachalam
- 4.R.Jeyakumar
- 5.P.Sudakar
- 6.P.Sasikumar
- 7.P.Nandakumar
- 8.A.Madasamy
- 9.K.Rajini
- 10.M.Prabhu
- 11.A.Rajamanickam
- 12.K.Krishnan



13.S Rajkumar

14.K.Chelladurai

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15.A.S.Sudesh Kumar

16.B.Karthikeyan

17.G.Krishnan

18.D.Babu

19.P.Nanda Kumar

20.C.Ravichandran

21.N.S.Ramasubramanian

22.A.Christi dharmaraj

23.M.C.Muthuramalingam

24.R.Nagendran

25.P.A.Avudai Nayagam

26.R.Muthuram

27.R Kannan

28.S.Amirthalingam

29.S.Anandan

30.G.Balraj

31.L.Thiyagarajan



32.R.Anguchamy

33.V.Antony Allrin

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34.V. Kanickairaj

35.S. Balamurugan

36.N.Prakash

37.R. Dhana Raj

38.K.Ayyanar

39.P.A. Gopinath

40.T. Selvakumar

41.K.Sathishkumar

42.S.Senthil Kumar

43.M.Murugan

44.R.Pushpalingam

45.G.Srinivasan

46.N.Gunasekaran

47.P.Sekar

... Petitioners

Vs.

1.The State of Tamil Nadu

Represented by its Secretary to Government,
Human Resource and Management Department,
Secretariat, Chennai – 600 009.



2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to forward the provisionally selected petitioners under 5% Ex-serviceman category in Notification No.3/2022 dated 23.02.2022 to the 1st respondent and consequently direct the 1st respondent to issue appointment order to the petitioners.

For Petitioner : Mr.K.V.Sanjeevkumar

For Respondents : Mr.P.Balathandayutham
Special Government Pleader for R1

Mrs.G.Hema
Standing Counsel for R2

W.P.No.25744 of 2024

1.K.Shaji

2.R.Prabeen Casto

3.T.Chandra Sekar

4.G.Jayan

5.F.Kingsly

6.R.Santhosh Kumar



7.K.Jayasingh

8.B.Shyji

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9.A.Viju

10.P.David Raj

11.Y.Christopher

... Petitioners

Vs.

1.The State of Tamil Nadu

Represented by its Secretary to Government,
Human Resource and Management Department,
Secretariat, Chennai – 600 009.

2.The Secretary,

Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to forward the provisionally selected petitioners under 5% Ex-serviceman category in Notification No.3/2022 dated 23.2.2022 to the 1st respondent and consequently direct the 1st respondent to issue appointment order to the petitioners.

For Petitioner : Mr.K.V.Sanjeevkumar

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader for R1
Mrs.G.Hema
Standing Counsel for R2



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ORDER

These writ petitions have been filed for issue of writ of mandamus directing the 2nd respondent viz., the TNPSC to forward the provisionally selected petitioners under 5% Ex-serviceman category under notification dated 23.02.2022 to the 1st respondent and consequently, direct the 1st respondent to issue appointment orders to the petitioners.

2. When the matter came up for hearing on 03.09.2024, the learned counsel for the petitioners submitted that the case of the petitioners will not come under the pending batch of cases and hence, the pendency of those writ petitions will not come in the way of the petitioners being considered for appointment, since they have all been selected and their names have also been included in the provisional selection list issued by the 2nd respondent.

3. In the light of the above submission, this Court directed the learned Standing Counsel for the 2nd respondent to take written instructions from the 2nd respondent and the matter was directed to be posted for hearing today.



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hereunder:

4. When the case was taken up for hearing today, the learned Standing Counsel for the 2nd respondent filed the Position Note. The relevant portions are extracted

4. In the circumstances, the Hon'ble High Court of Madras has passed common interim orders dated 15.05.2024 in the above said Writ Petition which is as follows:

".... 2. There shall be an order of interim stay still then....."

5. As per section 3(j) of TNGS (COS) Act, 2016, the Commission has announced in the Notification for the post of Combined Civil Services Examination-II (Group-IIA services) (Non-Interview Posts) (Notification No. 03/2022, dated 23.02.2022) as follows: -

"Provided that in all cases, an ex-serviceman once recruited to a post in any service or class or category, cannot claim the concession of being called an ex-serviceman for further recruitment".

6. Hence, it is stated that the stay granted by the honourable court operates only as against the candidates who have secured, job under group IV and thereafter the same candidates who got selected when the results were published for group II & IIA Services and further claimed



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redressal under section 3(r), The Petitioners herein does not fall neither under 3(?) nor under any category, other than 3(1) as all these candidates have, appeared only under Group II & IIA Services. That apart, all these candidates considered for provisional selection subject to vacating of interim stay in W.P.No.13550/24 only upon getting a declaration that they have not obtained any selection or service earlier. Hence, it is stated that the stay granted by the honourable court operates only as against the candidates who have secured, job under group IV and thereafter the same candidates who got selected when the results were published for group II & IIA and further claimed redressal under section 3(r). The Petitioners herein does not fall neither under 3(r) nor under any category, other than 3(j) as all these candidates have, appeared only under Group II & IIA Services. That apart, all these candidates considered for provisional selection subject to vacating of interim stay in W.P.No. 13550/24 only upon getting a declaration that they have not obtained any selection or service earlier.

5.Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the respondents.

6.It is quite clear from the Position Note that the petitioners fall under Section 3(j) of the TNGS (COS) Act, 2016 and these petitioners have appeared only under Group II and IIA services. The dispute that is pending in a batch of writ petitions



pertains to the conditions imposed under Section 3(r) of the TNGS (COS) Act, 2016.

The names of all these petitioners have already been included in the provisional selection list and hence, the claim made by the petitioners can be separately dealt with by the Government after getting declaration from each of the petitioners.

7. In the light of the above discussion, there shall be a direction to the 2nd respondent to forward the list of the petitioners who have already been provisionally selected to the 1st respondent in order to enable the 1st respondent to issue the appointment orders to the petitioners after getting the necessary declaration from each of the petitioners.

8. Both the writ petitions are disposed of with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

SSR

To

1.The Secretary to Government,
State of Tamil Nadu
Human Resource and Management Department,
Secretariat, Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
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