



WP(MD). No.12264 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 12/06/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.12264 of 2024
and WMP(MD) No.10875 of 2024**

Chandran.K.

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Deputy 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, praying this Court to issue a Writ of Mandamus to direct the respondents to consider the petitioner for appointment to the posts of Group II A posts under Ex-Serviceman Category in pursuant to then notification No.3/2022 dated 23.02.2022 on the basis of the merit of the respective candidates and allow him to participate in the further process within the period that may be stipulated by this Court



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For Petitioner :Mr.H.Mohammed Imran
for M/s. Ajmal Associates,

For Respondent : Mr.M.Lingadurai for R1
Special Government Pleader
Mr.V.Panneerselvam for R2

ORDER

By consent the writ petition itself is taken up for final disposal.

2. Heard Mr.H.Mohammed Imran, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader,for the 1st respondent and Mr.V.Panneerselvam, learned counsel for the 2nd respondent.

3. The petitioner has filed this writ petition for a mandamus to direct the respondents to consider the petitioner for appointment to the posts of Group II A posts under Ex-Serviceman Category pursuant to the Notification No.3/2022 dated 23.02.2022 on the basis of the merit of the respective candidates and allow him to participate in the further process.



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4. The petitioner has applied to the post of Grade II A post vide notification No.3/22 dated 23.02.2022 of the 2nd respondent under Ex-servicemen quota. The petitioner, who was working in defence department, has applied for discharge from service on compassionate ground and it was allowed on 30.11.2023 as per the proceedings of the Senior Record Officer of the defence service.

5. The second respondent has raised objection to allow the petitioner to participate in the counselling on the ground that the petitioner is not an Ex-service man on the date when he applied or one year from the date of last date for submission of the application.

6. The last date for submission of the application is 23.03.2022. One year period from 23.03.2022 would expire by 22.03.2023. Had the petitioner got the relieving order, on or before 22.02.2023, he would have found himself eligible for consideration under the Ex-serviceman quota. But the petitioner has been relieved only on 30.11.2023.



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7. As per the notification of the 2nd respondent, it is clear that so far as the applicants applied under the Ex-serviceman quota is concerned, they are eligible to apply after they get discharged from the defence service before one year from the last date for submitting the application.

8. The learned counsel for the petitioner tried to give an interpretation to the above Rule that the petitioner's intention of getting discharged from the service was clear even on the date when the notification of the 2nd respondent was issued and hence much significance cannot be attached to the date of the order for discharge. However, the interpretation has to be given only by calculating the closing date for submitting the application to the date on which the individual got the order of discharge from the defence service.

9. As the petitioner has been relieved subsequent to the cut off date, the petitioner has got no legal entitlement to get his representation considered by the respondents.



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10. In view of the same, the writ petition is **dismissed**. No costs.

Consequently connected Miscellaneous Petition is closed.

12.06.2024

RR

TO

1.The Deputy Secretary to Government,
Human Resource and Management Department,
Secretariat, Chennai - 600 009..

2. The Secretary,
Tamil Nadu Public Service Commission,
TnpSC Road, Broadway,
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R.N.MANJULA,J

RR

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