



W.P.(MD)No.13090 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.13090 of 2024

and

W.M.P.(MD)Nos.11597 and 11600 of 2024

S.Kannan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Additional Chief Secretary to the Government,
Planning, Development and Special
Initiatives Department,
Secretariat, Chennai-9.

2.The Director,
Department of Economics and Statistics,
DMS Compound, Teynampet,
Chennai-6.

3.The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town,
Chennai-600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned



W.P.(MD)No.13090 of 2024

order passed by the third Respondent in Advertisement No.686, Notification No.7/2024 dated 15.05.2024 and quash the same as illegal insofar as it relates to notifying the post of Assistant Director of Statistics are concerned.

For Petitioner : Mr.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates

For R1 & R2 : Mr.T.Amjadkhan
Government Advocate

For R3 : Mr.J.Anand Kumar

ORDER

This writ petition has been filed challenging the order passed by the third Respondent in Advertisement No.686, Notification No.7/2024 dated 15.05.2024 as illegal, insofar as it relates to notifying the post of Assistant Director of Statistics are concerned

2. Heard Mr.Ajmalkhan, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate for the first and second respondents and Mr.J.Anand Kumar, learned counsel for the third respondent.



W.P.(MD)No.13090 of 2024

WEB COPY

3.The petitioner is working as an Assistant Director (Statistics).

His next level promotion is to the post of Assistant Director (Statistics), which can be filled up by way of promotion as well as direct recruitment. As per G.O.Ms.No.98, Planning Development and Special Initiatives (ST.1) Department, dated 16.12.2015, the direct recruitment to the post of Assistant Director Statistics should not exceed 20% of the total cadre strength of the Assistant Director. While so, the third respondent has issued notification to fill up the said post by way of direct recruitment. The said notification consists of 17 posts, which exceeds the total cadre strength.

5.The learned counsel for the petitioner submitted that the total staff strength is 94 and 20% of the total staff strength would be 18. At present, the directly recruited Assistant Director of Statistics is 5. Hence, if the notification is issued to fill up 17 posts, it will go beyond the 20% as prescribed by the Service Rules. Hence, the petitioner has filed this writ petition.

6.The learned Additional Government Pleader for the respondents has admitted the said defect in the notification. He has also produced a letter of the Additional Chief Secretary to Government, in Letter No.255-A/ST.1/2024,



W.P.(MD)No.13090 of 2024

dated 19.06.2024, which provides estimate of vacancies for the post of Assistant Director of Statistics for direct recruitment. For easy reference, the estimation is extracted hereunder:

Sl.No.	G.O.No. & Date	Panel year	Estimate of Vacancies
1.	G.O.(MS)No.101, PD & SI (ST.1) Department, dated 22.02.2021	2020-2021	1(one)
2.	G.O.(MS)No.107, PD & SI (ST.1) Department, dated 14.09.2022 G.O.(MS)No.60, PD & SI (ST.1) Department, dated 13.04.2023. (4(Four) posts canceled "Nil Panel"issued)	2021-2022	4(Four) (original) Which is cancelled. Nil panel issued (Revision Panel)
3.	G.O.(MS)No.153, PD & SI (ST.1) Department, dated 20.10.2023	2022-2023	12 (Twelve)
Total			13 posts

7.In view of the particulars extracted above, the total posts under direct recruitment should not exceed '**13**'. Hence, issuing notification by showing the total vacancies for direct recruitment to the post of Assistant Director (Statistics) as '**17**' would deprive the opportunity of the in service candidates, who are in the queue for promotion to the said post.



W.P.(MD)No.13090 of 2024

WEB COPY

8.For the reasons stated above, this writ petition is disposed of by directing the third respondent to publish an addendum by correcting the total vacancies for the post of Assistant Director (Statistics) through direct recruitment as '13' instead of '17' in accordance with the letter issued by the Additional Chief Secretary to Government dated 19.06.2024 within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

03.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta

To

- 1.The Additional Chief Secretary to the Government,
Planning, Development and Special
Initiatives Department,
Secretariat, Chennai-9.
- 2.The Director,
Department of Economics and Statistics,
DMS Compound, Teynampet,
Chennai-6.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
VOC Nagar, Park Town, Chennai-600 003.



WEB COPY



W.P.(MD)No.13090 of 2024

R.N.MANJULA, J.

ta

W.P.(MD)No.13090 of 2024

03.07.2024