



W.P.(MD).No.22104 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22104 of 2024

and

W.M.P.(MD).No.18720 of 2024

T.Mohamad Rafik

... Petitioner

vs

- 1.The State of Tamilnadu,
Represented by its Secretary,
Backward Classes, Most Backward Classes and
Minorities Welfare Department, Secretariat, Chennai-09.
- 2.The TamilNadu Public Service Commission,
Represented by its Chiarman,
TNPSC Road,
VOC Nagar, Park Town,
Chennai-600 003.
3. Tamilnadu Public Service Commission,
Represented by its Controller of Examinations,
TNPSC Road, VOC Nagar,
Park Town, Chennai-600 003.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare the List of candidates provisionally admitted in the Main Written Examination for the posts included in Combined civil Services Examination-I (Group-I Services) dated 02.09.2024 issued by



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the Respondent No.2 as illegal and in so far as not including the petitioner's register number is concerned and consequently for a direction, directing the Respondent Nos.2 and 3 to permit the petitioner to participate in the Main Written Examination scheduled to be held on 10.12.2024 to 13.12.2024 under BC(M)(PSTM) Category within the time period stipulated by this Court.

For Petitioner	: Mr.T.Aswin Raja Simman
For Respondent No.1	: Mr.A.Baskaran Additional Government Pleader
For Respondent Nos.2 & 3	: Mr.J.Anand Kumar Standing Counsel

ORDER

The instant writ petition has been filed by an Aspirant to the post of Group-I Services who had made his application pursuant to the notification No.04/2024, dated 28.03.2024, seeking a declaration to declare that the list of candidates provisionally admitted in the Main written Examination-I (Group-I Services) dated 02.09.2024 issued by the Respondent No.2 as illegal.

2. According to the learned Counsel appearing for the writ petitioner, though he had applied under backward Muslim quota his name has not been considered under the said quota. Had it been considered under the said category, he would have come within the zone of consideration. He had



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further contended that the rule relating to reservation for women has not been followed and therefore, the petitioner did not get opportunity to appear before the main written examination.

3. The learned Standing Counsel appearing for the Tamilnadu Public Service Commission had contended that the petitioner's name was considered under the Backward class Muslim quota and since she has not reached the zone of consideration and she was not permitted to appear for the main Written Examination.

4. The learned Standing Counsel had further contended that the Judgements of the Hon'ble Supreme Court of India relating to the reservation for the post for women have been strictly followed and despite following the said judgement, the petitioner could not reach the zone of consideration.

5. Paragraph Nos.4, 7, 8 and 12 of the Counter Affidavit filed by TNPSC is extracted as follows:

“4. The petitioner Thiru.T.Mohamed Rafik (Reg.No. 1301001245) has been admitted provisionally for the posts included in Combined Civil Services-I Examination (Group-I Services) 2024



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(Notification No.04/2024 dated 28.3.2024) for which the preliminary examination was held on 13.07.2024FN only. As per the Communal claim made by the petitioner in his online application wherein his community is mentioned as BC(M), he was admitted to participate in the preliminary examination.

7. The petitioner candidate has not been admitted to Main Written Examination for the said recruitment vide Commission's list for Main Written Examination dated 02.09.2024.

8. With reference to the para 7 of the said affidavit, based on the minimum qualifying marks for preliminary examination in the said recruitment (ie 90 out of 300), the petitioner candidate has expected that he will be shortlisted for the said Main Written Examination.

12. With regard to the Para.9 of the said affidavit, principle of reservation of appointment to the posts in Group-I Services is based on Section 26 and 27(a) of Tamilnadu Government Servants (Conditions of Services Act) 2016 and the guidelines of the Hon'ble Apex Court Anil Kumar Gupta, Rajesh Kumar Dharia and orders of the Hon'ble High Court in W.P.No.6201 of 2013 and the instructions in minutes of the Commission's meeting held on 12.10.2022 formulated based on the orders of the Hon'ble High Court of Madras in W.P.No.6201 of 2013 (Thiru.Sathish Kumar vs State of Tamilnadu), has been followed for selection of candidates in the said main Written Examination. Hence, the contention of the petitioner for non-implementation of orders in W.P.No.6201/2013 and showing the same as a reason for his non-selection for the said Main Written Examination, is incorrect. ”

6. In view of the specific stand taken by the Tamilnadu Public Service Commission, it is clear that though the petitioner's name was considered under the B.C. Muslim quota he could not reach the zone of consideration due to the fact that he has secured lesser marks meant for said category.



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7. Therefore, there are no merits in this writ petition, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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To

- 1.The Secretary,
Backward Classes, Most Backward Classes and
Minorities Welfare Department, Secretariat, Chennai-09.
- 2.The Chairman,
TamilNadu Public Service Commission,
TNPSC Road,
VOC Nagar, Park Town,
Chennai-600 003.
3. The Controller of Examination,
Tamilnadu Public Service Commission,
TNPSC Road, VOC Nagar,
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