



W.A(MD)No.910 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.910 of 2024
in
W.P(MD)No.25757 of 2019**

B.Natarajan

... Appellant / Petitioner

vs.

1. The Government of Tamilnadu,
Represented by its Chief Secretary,
Fort St.George, Chennai - 600 009.

2. The Secretary,
Department of Revenue,
Fort St. George, Chennai 600 009.

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

... Respondents / Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 12.12.2022 made in W.P(MD)No.25757 of 2019.

For Appellant	: Mr.I.Robert Chandra Kumar
For R1 & R2	: Mr.S.Shaji Bino, Special Government Pleader
For R3	: Mr.V.Panneer Selvam



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JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

In order to operate the reserve list for the candidates who have been placed in the reserve list for various posts arising out of Group-IV examinations conducted by the 3rd respondent for the years 2015-16, 2016-17 and 2017-18, the writ petitioner who is the appellant herein, moved the writ petition in W.P(MD)No.25757 of 2019 which was heard along with W.P(MD)No.22219 of 2019 and disposed of by a common order dated 12.12.2022 of the Writ Court. It is the case of the petitioner/appellant that, he has been placed in the wait list or has to be placed in the wait list which has to be operated wherever the selected candidates not joined in the selected post or joined left or joined resigned.

2. On that ground, the petitioner/appellant sought indulgence of this Court to issue a Writ of Mandamus which was opposed by the standing counsel appearing for the TNPSC before the Writ Court taking the stand that, insofar as the selection that has been made for the years 2015-16, 2016-17 and 2017-18 is concerned, the list of candidates selected in the first phase of counselling, was forwarded to the concerned units on 31.01.2019. Thereafter, final list of the



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selected candidates pertaining to four phases of counselling was forwarded on 30.11.2019.

3. In the meanwhile, the selection list for Combined Civil Services Group-IV Examination for the subsequent years i.e., 2018-19 and 2019-20, have been hosted on the Commission's Website on 12.11.2019 and therefore, the Notification No.23/2017, dated 14.11.2017, pursuant to which only, selection had been made, got lapsed.

4. Under the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, how the reserve list is to be prepared and how long the reserve list will be in force, have been stated, whereunder, if the reserve list consisting of 20% of the candidates who have been selected, is prepared on communal basis, such list would be in force till the period of one year or the next selection list is published whichever is earlier.

5. Here, in the case on hand, the final list of selected candidates for the years 2015-16, 2016-17 and 2017-18 had been forwarded on 30.11.2019, whereas, in the meanwhile, the subsequent selection list for the years 2018-19 and 2019-20 has already been made and hosted in the Website on 12.11.2019.



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6. Therefore, since the subsequent selection list has already been hosted in the Website on 12.11.2019, that is, well before the forwarding of the candidates of the last counselling of the earlier selection which was made only on 30.11.2019, the question of keeping any wait list for the years 2015-16, 2016-17 and 2017-18 of the selection pursuant to the Notification No.23/17, dated 14.11.2017, does not arise. The reason being that, in the present case, the reserve list cannot be kept for one year period, as the next selection list has already been issued. Therefore, as per the rule, if the next selection list is issued, on such issuance, the earlier reserve list would get automatically lapsed. Therefore, the question of keeping the reserve list for the earlier selection does not arise in this case, in view of the immediate selection that has been made subsequently for the years 2018-19 and 2019-20. Therefore, there has been no justification on the part of the appellant to seek for a Mandamus from this Court to give a direction to the TNPSC to select him, by placing him in the wait list, pursuant to the selection that has been made as per the Notification No. 23/17, dated 14.11.2017, in the Combined Civil Services Group-IV Examination for the years 2015-16, 2016-17 and 2017-18.



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7. Therefore, there has been every justification on the part of the Writ

Court to reject the prayer that has been sought for in the said writ petition, through the impugned order. Insofar as the issue that has been pending before the Hon'ble Supreme Court is concerned, that would no way helpful to the petitioner/appellant to seek for any indulgence to issue a Writ of Mandamus for selection of him, by placing him in the wait list, in view of the aforestated factual matrix and the legal position.

8. Hence, the order impugned passed by the Writ Court does not warrant any interference from this Division Bench and therefore, the said order which is impugned herein, is to be sustained. Accordingly, it is sustained. Resultantly, this Writ Appeal fails. Hence, it is dismissed. No costs.

(R.S.K., J.)

(G.A.M., J.)

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Index : Yes / No
Neutral Citation : Yes / No
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To

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Government of Tamilnadu,
Fort St.George, Chennai - 600 009.



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