



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8911 of 2015

and

M.P.No.1 of 2015

M.Karpagam

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary,
Personal and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Secretary,
Agriculture Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

3.The Deputy Director,
Deputy Director Office,
District Live Stock Farm,
Abishekapatti, Tiruvelveli-8.

4.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C.Nagar,
Parktown, Chennai – 600 003.

... Respondents

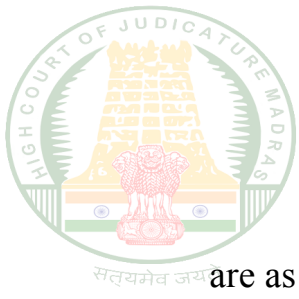


Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the Memo bearing Ref.No.6010/PSD-B6/2010 dated 10.03.2015 passed by the 4th respondent Commission in cancelling the petitioner's selection to the post of Typist pursuant to their notification dated 18.06.2009 and to quash the same as being illegal, arbitrary and contrary to Article 14 & 21 of the Constitution of India and for a consequential mandamus to the 3rd respondent Commission to regularize her services in the post of Typist in the 2nd respondent with all consequential benefits including monetary benefits.

For Petitioner : Mr.J.Pooventherarajan
For R1 to R3 : Mr.V.Nanmaran
Additional Government Pleader.
For R4 : Mr.R.Bharanidaran

ORDER

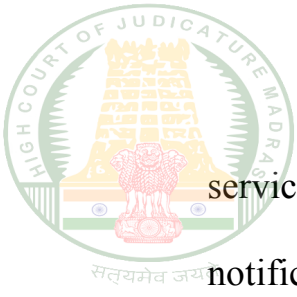
This writ petition has been filed aggrieved by the memo bearing Ref.No.6010/PSD-B6/2010 dated 10.03.2015 issued by the 4th respondent TNPSC cancelling the petitioner's selection to the post of Typist pursuant to the notification dated 18.06.2009 and also sought for a consequential direction to the 3rd respondent to regularize the services of the petitioner as Typist.



2. The brief facts that are relevant for disposal of this writ petition are as under:

WEB COPY

2.1. The 1st respondent Government issued orders in G.O.(Ms).No.205, Personal & Administrative Reforms (P) Department dated 09.11.2006 making a provision for filling up all the post of Typist in various departments on temporary basis restricting the tenure of appointment for one year. Accordingly, the name of the petitioner was sponsored through employment exchange and she was employed as Typist in the office of the 3rd respondent on 11.12.2007 for a period of one year and on completion of initial period of one year, the petitioner was removed from service on 02.07.2008. It was thereafter, once again the services of the petitioner was engaged by the 3rd respondent on 04.07.2008 for another period of one year. While the petitioner working as such, the 4th respondent herein issued a Notification/Advertisement dated 18.06.2009 proposed to conduct Group IV services Special Competitive Examination, 2009 inviting applications only from the persons, who are appointed as Typist or Steno-Typist Grade-III in various Government Departments in Tamil Nadu Ministerial Service and Typist in Tamil Nadu Secretariat Service as per G.O.Ms.No.205, P & AR (P) Department, dated 09.11.2006 and other Government orders, continuing in



service various Government departments. It is also specified in the said notification that the applications will not be received directly from the candidates and all the applications that are received only from the Head of the Department and appointing authorities in which the candidates are employed alone will be entertained.

3. It was pursuant to the said notification dated 18.06.2009, the petitioner also submitted her application agreeing to participate in the recruitment process and accordingly, her application was processed by the 3rd respondent and accordingly, she was subjected to selection process including written examination that was held on 30.08.2009. While such selection process was on, the petitioner submitted a resignation by sending a letter to the 3rd respondent on 07.11.2009. However, the said resignation letter was not acted upon by the 3rd respondent. However, the petitioner did not attend her duties after submitting the said resignation letter.

4. While so, the 4th respondent herein, after having completed the selection process, informed the petitioner on 11.05.2010 about her selection and calling the petitioner to choose the departmental preference and



accordingly, the petitioner was provisionally selected and appointed in the Agricultural Department in the office of the 3rd respondent by an order dated 16.11.2010. While the petitioner was working as such as Typist in the office of the 3rd respondent, the impugned order came to be issued cancelling the provisional selection of the petitioner by issuing the impugned order by the 4th respondent herein. It is aggrieved by the said order, the petitioner herein approached this Court by filing the present writ petition.

5. A perusal of the impugned order disclose that the only reason for cancellation of the selection of the petitioner as Typist is on the ground that in terms of the recruitment notification in question, the persons who are all continuing in service or ousted in service for want of vacancy alone are eligible for the post of Typist and as the petitioner has resigned her temporary Typist post, she could not be considered for recruitment under the notification in question. Except the above reason, there is no other reason for cancellation of the provisional selection of the petitioner.

6. This Court after having heard learned counsel for the petitioner as well as learned counsel appearing for the respondent Nos.1 to 3 and



learned counsel appearing for the respondent No.4, is unable to sustain the reason assigned in the impugned order for the following reasons:

WEB COPY

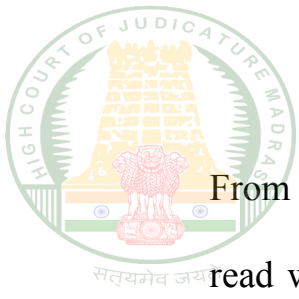
6.1. A perusal of the recruitment notification dated 18.06.2009 issued by the 3rd respondent prescribes the eligibility criteria for participating in the recruitment process pursuant to the said notification. In terms of the para 1, the applications are invited from the persons appointed as Typist and other post in terms of G.O.Ms.No.205 dated 09.11.2006 and G.O.Ms.No.102 dated 29.01.2007 and continuing in service in the Government department. In terms of paragraph No. 5, the eligibility conditions for applying are prescribed. The said conditions reads as under:

“5.ELIGIBILITY CONDITIONS FOR APPLYING:-

1. Special Competitive Examination is open only to the persons who are appointed as Typist or Steno-Typist Grade-III in various Government departments in Tamil Nadu Ministerial Service and Typist in the Tamil Nadu Secretariat Service as per G.O.Ms.No.205, P&AR (P) Department, dated 09.11.2006 and as Typist or Steno-Typist Grade-III in Tamil Nadu Judicial Ministerial Service as per G.O.Ms.No.102, P&AR (P) Department, dated 29.01.2007 and continuing in service.

2. The filled in application along with the Employment certificate mentioned in para 13(b) should be sent through their Head of Department / appointing authorities in the Tamil Nadu Secretariat Service.

3. Applications will not be received direct from the candidates.”



WEB COPY

From the perusal of the above conditions prescribing the eligibility criteria read with paragraph No.1 of the notification, the eligibility to participate in the recruitment process in terms of the recruitment notification is that the candidate should have been appointed under G.O.Ms.No.205 dated 09.11.2006 and continuing in service as on the date of the said notification, and secondly, the application that is required to be submitted pursuant to the recruitment notification has to be submitted through the employer. This is only to ensure that the candidates who were submitting their applications pursuant to the recruitment notification are working as on the date of submission of their application in the office of the respective Government departments. There is nothing in the notification to show that the candidates who submitted their application should continue to work in their respective departments till their date of selection and appointment. Once, the petitioner satisfy the eligibility criteria as required under the recruitment notification, participated in the selection process and came out as successful candidate and selected for being appointed to the post of Typist and appointed as such, the question of the 4th respondent herein cancelling the selection of the petitioner on the ground that the petitioner has not been working as on the date of her selection is totally erroneous and does not stand to logic. The eligibility of a



candidate has to be seen with reference to the date of Notification, in the absence of any specified date.

WEB COPY

6.2. Yet another reason for the above conclusion is that in all cases where the candidates, who were appointed on a temporary basis in terms of G.O.Ms.No.205 dated 09.11.2006, but not working as on the date of notification for want of vacancy, were made eligible to participate in the recruitment process, though they were not working as on the date of submission of their application, in response to the recruitment notification. If that is allowed, it is not understood as to why the candidates who discontinued on their own after submission and after participating in the recruitment process from the concerned departments. Thus, if the stand of the 4th respondent is accepted that would amount to treating the similarly situated candidates differently giving a scope for violation of Article 14 of Constitution of India.

7. In the light of the above, the reason assigned in the impugned order is wholly unsustainable and as such, the impugned order cannot be sustained. Accordingly, the impugned order is quashed with a further direction to the respondent Nos.2 and 3 to consider the claim of the petitioner



for regularization in accordance with Rules, as expeditiously as, possible at any rate, within a period of two (2) months from the date of receipt of a copy of this order.

WEB COPY

8. Accordingly, the writ petition is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

11.06.2025

dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



W.P.No.8911 of



MUMMINENI SUDHEER KUMAR, J.

dpa

WEB COPY To

- 1.The Secretary,
Government of Tamil Nadu
Personal and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Secretary,
Agriculture Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
- 3.The Deputy Director,
Deputy Director Office,
District Live Stock Farm,
Abishekapatti, Tiruvelveli-8.
- 4.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C.Nagar,
Parktown, Chennai – 600 003.

W.P.No.8911 of 2015

11.06.2025