



W.P.Nos.16585 of 2019 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.Nos.16585/2019, 18514/2016, 20953/2015, 40219/2015 & 40220/2015
and

W.M.P.Nos.12790, 12793, 27555, 16212, 16213, 16214 & 23633 of 2019 and
34829, 16199 & 16200 of 2016

W.P.No.16585/2019

R.Balamurugan,
S/o. U.Raj Mohan,
3/88, South Street,
T.Ramanathapuram (PO)
Peraiyur Taluk,
Madurai – 625 535.

... Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
No.3, Frazer Bridge Road,
V.O.C.Nagar, Chennai – 600 006.
2. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai – 600 009.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of certiorarified mandamus to call for the records of the impugned notification No.19/2019 dated 07.06.2019 passed by the first respondent and quash the same and consequently direct the first respondent to



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appoint the writ petitioner in appropriate posts for the vacancies that have arisen due to non-joining / joining and leaving of selected candidates in pursuant of notification No.9/2013 dated 14.06.2013 issued by the first respondent.

For Petitioner : Mr.S.Nedunchezhiyan
For R1 : Ms.G.Hema
Standing Counsel for TNPSC
For R2 : Mrs.S.Anitha
Special Government Pleader

W.P.No.18514/2016

S.Arunapriya
D/o. S.Sanjeevi,
1/781, Dharmapuri Main Road,
Morappur Post,
Arur Taluk,
Dharmapuri District.

... Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
No.3, Frazer Bridge Road,
V.O.C.Nagar, Chennai – 600 006.
2. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai – 600 009.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India for issuance of Writ of certiorarified mandamus to call for the records of the order No.303/B.S.T.-T3/2014 dated 03.09.2015 passed by the first respondent against the petitioner and quash the same and consequently direct the first respondent against the petitioner and quash the same and consequently direct the first respondent to operate the Reserve List and appoint the writ petitioner in appropriate posts for the vacancies that have arisen due to non-joining / joining and leaving of selected candidates in pursuance of notification No.9/2013 dated 14.06.2013 issued by the first respondent.

For Petitioner	:	Mr.S.Nedunchezhiyan
For R1	:	Ms.G.Hema Standing Counsel for TNPSC
For R2	:	Mrs.S.Anitha, Special Government Pleader

W.P.No.20953/2015

1. S.Alaguraja,
S/o. S.Shanmuganathan,
No.161-0G, Vallalar Street,
Aavin Nagar,
Anna Nagar,
Madurai – 625 020.

2. R.Balamurugan,
S/o. U.Rajmohan,
3/88 South Street,
T.Ramanathapuram (Po)
Peraiyur, Taluk,
Madurai District 625 535.

3. V.Praveen Kumar,
S/o. M.Varadarajan
No.10 Bojakara Cross Street,



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Dhanalaskmi Nagar,
Walajabad, Kanchipuram District – 631 605.

4. V.Mohanasundaram,
S/o. K.Venkatesan
3/912 Police Line Street,
R.K.Pet, Palli Pattu (Taluk)
Tiruvallur District 631 303.

5. G.Balamurugan,
S/o. S.Ganesan,
28/18, New Muslim Street,
Ammamet (Po)
Papanasam Taluk,
Thanjavur District – 614 401.

... Petitioners

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
No.3, Frazer Bridge Road,
V.O.C.Nagar, Chennai – 600 006.

2. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai – 600 009.

3. The Government of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

4. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India



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for issuance of Writ of mandamus to direct the second and fourth respondents to communicate the first respondent about number of posts that have arisen due to joining or non joining and leaving of candidates in pursuance Notification No.9/2013 dated 14.06.2013 issued by the first respondent and consequently direct the first respondent to appoint the petitioners in the said posts.

For Petitioner : Mr.S.Nedunchezhiyan
For R1 : Ms.G.Hema
Standing Counsel for TNPSC
For R2 : Mrs.S.Anitha,
Special Government Pleader

COMMON ORDER

The petitioners have applied to various posts in pursuant to the notification of the second respondent dated 14.06.2013 and though they have been found placed in the reservation list, they were not selected. Now the petitioners claim that despite there are lot of vacancies in order to accommodate the petitioners, the respondents did not issue any appointment order. Challenging the same, the present writ petitions are filed by the petitioners.

2. Earlier the petitioners and other have filed a batch of writ petitions in W.P.Nos.5385, 13256 and 13257/2015 wherein an order has been passed on 30.04.2015 by directing the respondents to fill up the vacancies that arose due



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to non-joining of the selection candidates or candidates who left after joining the post. In fact the petitioners have applied to the post in pursuance to the notification that has been issued in the year 2013 and 2014 in Notification No.9 of 2013. As the petitioners have approached the Court to fill up the existing vacancies from and out of the reserved list before the selection list for the next recruitment is released, this Court granted the above relief. In pursuant to the above direction the number of vacancies which arose due to non-joining of the selected candidates or candidates leaving after joining the post, were found to be 107 vacancies.

3. The above vacancies were filled up in the ratio of 1:2. Despite the petitioners were in the reserved list, they did not come under the zone of consideration after the ratio was fixed in the ratio 1:2. Had the petitioners reached the zone of consideration they would have got their appointment order as against the vacancies that had arisen due to non-joining of the selected candidates or candidates leaving after joining the post. But the petitioners claim that the existing vacancies were 206 and not 107 as submitted by the respondents. It appears that the petitioner had taken into account of these vacancies which had arisen subsequent to the start of next selection process. As the petitioners are eligible to operate the reserved list only during the next



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recruitment process is started and the petitioners did not reach the zone of consideration, they were not selected.

4. If the petitioner seeks order as to the vacancies that had arisen due to the non-joining of the selected candidates or candidates leaving after joining the post in the recruitment, for which they have participated, they could have been considered. Having known that they did not reach the zone of consideration when the reserve list is operated but there are vacancies only for the next notification, the petitioners cannot claim that they should be appointed to the said vacancies.

5. When similar such issue is surfaced in the writ petitions filed in W.P.Nos.32640 & 32644 / 2023, this Court has held that there is no scope to conduct the third counseling on the ground that some of the selected candidates have not joined. It is further held that such vacancies according to Section 27 (bbb) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, can only be forwarded to the next recruitment.

6. As the vacancies that had arisen due to non-joining of the selected candidates or candidates leaving after joining the post, has got exhausted and no more vacancies available to accommodate the petitioners and the subsequent



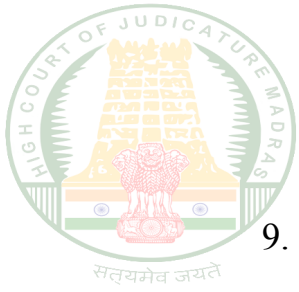
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recruitment has also been released, I do not find any merits even in the light of

the earlier order passed in W.P.Nos.5385, 13256 and 13257/2015 dated 30.04.2015.

7. The learned counsel for the petitioner submitted that as per the information obtained by him through RTI in the year 2015 it is learnt that two vacancies are still available in the earlier recruitment of the year 2013-2014. Probably because the subsequent selection process has been started, these vacancies could not have been included. Even if the said vacancies were accepted to be available, the petitioners ought to have filed a contempt application stating that the order of the court granted in W.P.Nos.5385, 13256 and 13257/2015 dated 30.04.2015 has not been complied scrupulously.

8. After having allowed several recruitments to be completed, the petitioners cannot now seek the above relief. In fact during the said 107 vacancies were filled up and considered for selection in accordance with 1:2 ratio, the petitioners did not challenge the same. As the order dated 30.04.2015 has already been complied and several subsequent recruitment process have been conducted, I do not find any merits in these writ petitions.



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9. In view of the above stated reasons, these writ petitions are dismissed.

WEB COPY No costs. Connected miscellaneous petitions are closed.

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Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To :

1. The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
V.O.C.Nagar, Chennai – 600 006.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai – 600 009.
3. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.
4. The Director General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.



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W.P.Nos.16585 of 2019 & batch

R.N.MANJULA, J.

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W.P.Nos.16585/2019, 18514/2016, 20953/2015, 40219/2015 & 40220/2015

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