



W.P.No.19092 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 02.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

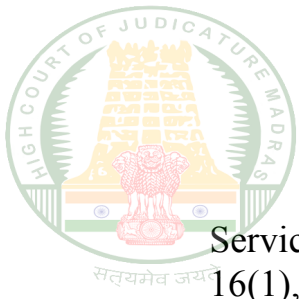
W.P.No.19092 of 2024

N.Packiarajan .. Petitioner

v.

1. The State of Tamil Nadu
rep. by its Secretary to Government
Human Resources Management Department
Fort St.George, Chennai 600 009
2. The State of Tamil Nadu
rep. by its Principal Secretary to Government
School Education Department
Fort St.George, Chennai 600 009
3. The State of Tamil Nadu
rep. by its Principal Secretary to Government
Backward Classes, Most Backward Classes
and Minorities Welfare Department
Fort St.George, Chennai 600 009 .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, to declare that the third proviso to Section 27(f) of the Tamilnadu Government Servants (Conditions of



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Service) Act 2016 is violative of ultra vires the provisions of Articles 14, 16(1), 16(4) and 16(4(B) of the Constitution of India insofar as it allows the unfilled vacancies reserved for Backward Classes in a particular year to lapse, instead of being carried forward for the next recruitment years as in the case of unfilled vacancies of Scheduled Castes, Scheduled Tribes, Most Backward Classes and Denotified Communities and hence unconstitutional.

For Petitioner :: Mr.R.Ramachandran

For Respondents :: Mrs.E.Ranganayaki
Additional Government Pleader

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of declaration has been instituted to declare that the third proviso to Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 is violative of ultra vires the provisions of Articles 14, 16(1), 16(4) and 16(4(B) of the Constitution of India insofar as it allows the unfilled vacancies reserved for Backward Classes in a particular year to lapse instead of being carried forward for the next recruitment years as in the case of unfilled vacancies of Scheduled Castes, Scheduled Tribes, Most Backward Classes and Denotified Communities and hence unconstitutional.



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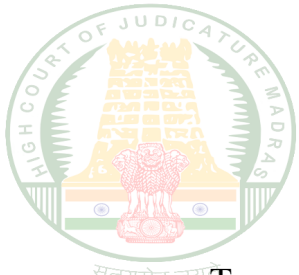
2. With reference to the relief as such sought for in the present writ petition, the Secretary to Government, Human Resources Management Department filed a counter affidavit stating that amending the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 in a comprehensive manner, including the provisions relating to the rule of reservation, is under process.

3. In view of the said averment in the counter affidavit, adjudication on merits at present may not be required. The respondents are directed to expedite the process and take an appropriate decision in accordance with law, as expeditiously as possible. The writ petition stands disposed of. Consequently, W.M.P.No.20946 of 2024 is closed. No costs.

Index : yes
Neutral citation : yes/no

(S.M.S.,J.) (K.R.S.,J.)
02.04.2025

SS



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Fort St.George
Chennai 600 009
2. The Principal Secretary to Government
School Education Department
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3. The Principal Secretary to Government
Backward Classes, Most Backward Classes
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