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W.P.No.26179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.26179 of 2025

and

W.M.P.Nos.29490 and 29491 of 2025

Sukumar.K

... Petitioner

Vs.

1.The Director General of Police / Chairman
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Office Complex
Pantheon Road, Egmore, Chennai – 600 008

2.The Member Secretary
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Office Complex
Pantheon Road, Egmore, Chennai – 600 008

3.Mr.Kabilan. M
(Enroll No.3980003)
Through the Member Secretary
Tamil Nadu Uniformed Services Recruitment Board
Old Commissioner of Police Office Complex
Pantheon Road, Egmore, Chennai – 600 008

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for entire records related to the revised provisional selection list made in RC No. R2/1616/TNUSRB/2023 dated 03.10.2024 for the post of Station Officer at Fire and Rescue Service recruited under Addendum to Notification No. 01/2023 dated 23.05.2023 issued by the Tamil Nadu Uniformed Services Recruitment Board (TNUSRB), and quash the same as illegal incompetent and ultra vires in respect of the non-selection of the petitioner and consequently direct the respondent to select the petitioner to the post of station officer at Fire and Rescue service under SCA category by following the Rule of Reservation rendered by Hon'ble Supreme Court in State of Tamil Nadu and Others vs. K.Shobana and Others ((2021) 4 SCC 686) and by this Court in W.A.(MD).No.2471 of 2024 on 20.06.2025.

For Petitioner : Mr.Balan Haridas
for M/s.S.Jim Raj Milton

For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by M/s.D.Sowmi Dattan

ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.



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2. The instant writ petition has been filed with a prayer for issuing a Writ of Certiorarified Mandamus, to call for the entire records related to the revised provisional selection list made in RC No. R2/1616/TNUSRB/2023 dated 03.10.2024, for the post of Station Officer in the Fire and Rescue Service recruited under Addendum to Notification No. 01/2023 dated 23.05.2023 issued by the Tamil Nadu Uniformed Services Recruitment Board (TNUSRB), and quash the same as illegal, incompetent and ultra vires in respect of the non-selection of the petitioner and consequently direct the respondent to select the petitioner to the post of station officer at Fire and Rescue service under SCA category by following the Rule of Reservation rendered by Hon'ble Supreme Court in *State of Tamil Nadu and Others vs. K.Shobana and Others ((2021) 4 SCC 686)* and by this Court in W.A.(MD).No.2471 of 2024 on 20.06.2025.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. The learned counsel for the petitioner would submit that the petitioner was working as Fireman in the Tamil Nadu Fire and Rescue

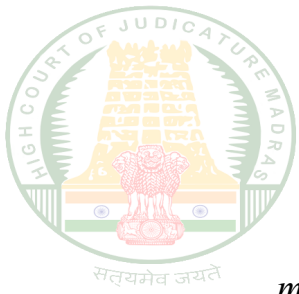


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Services Department. It is the submission of the petitioner that he applied for the post of Station Officer in the Tamil Nadu Fire Subordinate Service under the Departmental Quota pursuant to the Notification No.01/2023, dated 05.05.2023 issued by the Tamil Nadu Uniformed Services Recruitment Board. After completion of written examination and viva voce, the petitioner's name did not appear in the initial provisional list published on 29.01.2024. It is the further submission of the petitioner that the petitioner belongs to Scheduled Caste (Arunthathiyar) Community. The petitioner also submits that the Official Respondents have to follow the judgment of the Division Bench of this Court in W.A.(MD).No.2471 of 2024, dated 20.06.2025 (***E.Surya vs. The Teachers Recruitment Board, Represented by its Chairman***), wherein at Paragraph No.15 of the said judgment the Division Bench has observed as follows:-

“15.To sum up, when reservation policy is implemented, the open quota shall be filled up first on merit basis. An Arunthathiyar candidate can compete in the open quota on merit basis and if he or she is selected, the sub-quota earmarked for Arunthathiyars will not be affected. The meritorious Arunthathiyars are entitled to compete in the SC General category and if selected on merit basis, again, the sub-quota meant for Arunthathiyars will not be affected. The most



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meritorious Arunthathiyar candidate shall not be adjusted against the SC(A) vacancy in the first instance. Such an approach alone would give effect to Section 8 of Tami Nadu Act 4 of 2009 which will prevail over Section 27(a) of the Act 14 of 2016 as well as Sections 3, 4 and 5 of the Tamil Nadu Act 4 of 2009.”

5. According to the above finding, if there is any meritorious Scheduled Caste (Arunthathiyar) Candidate, he/she must first be filled in the Scheduled Caste Quota along with the candidates competing for the Scheduled Caste (General). In this connection, the petitioner had given a representation to the respondents 1 and 2 on 12.07.2025 and such representation is pending with them.

6. At this juncture, the learned Additional Advocate General appearing for the respondents would submit that they have not published the select list and would submit that in pursuance of the common order of the learned Single Judge of this Court in W.P.No.32347 of 2024 etc., batch, dated 22.04.2025, now in respect of fitment of candidates, an One Man Committee has been constituted by appointing Hon'ble Mr.Justice N.Paul



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Vasanthakumar and the matter is pending with him. Therefore, the present writ petition is premature. However, he would fairly submit that if any representation is received, they would consider the same in accordance with it's own merit.

7. In such view of the submission, without going into the merits of the writ petition, this Court deems it appropriate to direct the Official Respondents to consider the petitioner's representation dated 12.07.2025 in the light of judgment of the Hon'ble Division Bench of this Court in W.A.(MD).No.2471 of 2024, dated 20.06.2025, while issuing the select list in respect of Serial No.16 of the candidate, which was mentioned in the First Provisional Selection List dated 29.01.2024.

8. With the above observation, the Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

17.07.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm



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C.KUMARAPPAN, J.

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