



W.P.No.27245 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

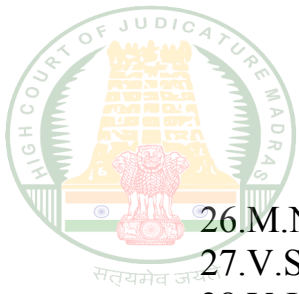
DATED : 25.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE **C.KUMARAPPAN**

W.P.No.27245 of 2025
and W.M.P.Nos.30628 and 30629 of 2025

- 1.V.Gurusakthivel
- 2.Premkumar Natesan
- 3.S.Sasikala
- 4.R.Vidya
- 5.K.Karthika
- 6.Sathya Kuppusamy
- 7.V.Maheswari
- 8.Rahini
- 9.Aruna
- 10.Kalaivani
- 11.E.Beshilal
- 12.M.Sasikumar
- 13.Gayathri.N
- 14.Shanmugasundaram.S
- 15.M.Manju
- 16.Sathish Kumar.M.M
- 17.Sanjitha Parveen.A
- 18.Gurusamy.S
- 19.M.Govindaraj
- 20.Johnson Joseph Babu
- 21.A.Madhavan
- 22.B.Saranya
- 23.K.Kalaivani
- 24.K.Sakthivel
- 25.M.Nadhiya



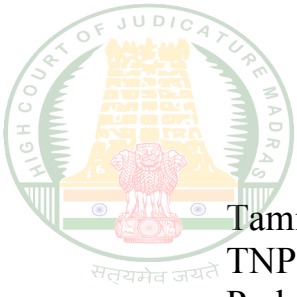
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26.M.Nandhini
27.V.Shanmugavadivu
28.V.Jeevitha
29.S.Mohaideen Azarudeen
30.P.Banumathi
31.S.Mariammal
32.R.Vimala
33.R.Nagalingam
34.P.Prabhakaran
35.G.Abinaya
36.M.Kokila
37.S.Uma
38.K.Hasina
39.M.Meena
40.Naganathan Bose
41.K.Karthick
42.V.K.Dharani

...Petitioners

Vs.

- 1.The Principal Secretary to Government,
Human Resources Management (B) Department,
Secretariat,
Chennai-600 009.
- 2.The Principal Secretary to Government,
Social Welfare and Women Empowerment Department,
Secretariat,
Chennai-600 009.
- 3.The Commissioner,
Commissionerate of Social Welfare,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai-600 005.
- 4.The Secretary,



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Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai-600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent in Notification No.8 of 2024 in Advertisement No.687 dated 20.06.2024 Serial No.33 and quash the same and consequently, direct the respondent to maintain Direct Assistants post in Social Welfare Department as per G.O.Ms.No.46, Human Resources Management (D) Department, dated 16.05.2022.

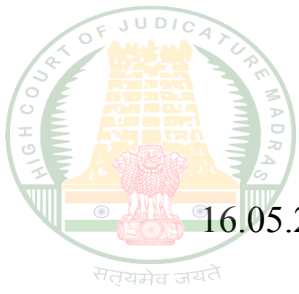
For Petitioner : Mr.N.Palanikumar

For Respondent : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
for R1 to R3
Mr.P.J.Rishikesh
Standing Counsel for R4

ORDER

This Writ Petition has been filed challenging Serial No.33 in Advertisement No.687 in Notification No.8 of 2024 dated 20.06.2024 issued by the fourth respondent and for a consequential direction to the respondents to maintain the posts of Assistant in Social Welfare Department, as per G.O.Ms.No.46, Human Resources Management (D) Department, dated

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16.05.2022.



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2. The only ground raised in the present writ petition is that the first respondent had issued Notification on 20.06.2024 inviting applications for direct recruitment to the posts of Assistant in the Social Welfare Department, notifying the vacancies as 68 which is against G.O.Ms.No.46, Human Resources Management (D) Department, dated 16.05.2022. If the recruitment is allowed to proceed, then the promotion of the petitioners would get affected. It is the contention of the petitioners that according to the Service Rules, the ratio of 1:1 to the post of Assistant has to be fulfilled, namely, one post has to be filled up from the feeder category and other post has to be filled up through direct recruitment. Hence, he prayed for interference with the impugned Notification issued by the fourth respondent.

3. At this juncture, the learned Additional Government Pleader appearing for the respondents 1 to 3, on written instructions from the Director of Social Welfare, Chennai, submits that there are about 7 vacancies



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for the year 2023-2024 and 63 vacancies for the year 2024-2025 through direct recruitment. Thus, there are totally about 70 vacancies through direct recruitment, out of which, they earmarked two posts under Sports Quota. Therefore, the promotion of the petitioner will not be affected. For ready reference, the written instructions given by the Director of Social Welfare, Chennai, is extracted as follows:-

“1. I invite your kind attention to the writ petition cited in reference 1st above wherein the petitioners have prayed to quash the TNPSC Notification No.08/2024 dated 20.06.2024 in respect of Direct Recruitment to the post of Assistant in Social Welfare Department.

2. With reference to the above matter, I am directed to place the following clarification for your kind submissions before the Hon'ble High Court.

3. The petitioners contends that the Directorate of Social Welfare ought not to have gone for direct recruitment since number of posts sought to be filled through direct recruitment is more than 50% of the sanctioned post and it is contended that it is allegedly violating the G.O.Ms.No.46, HRM Department, dated 16.05.2022.

4. The relevant portion of G.O.Ms.No.46, HRM (D) Department dated 16.05.2022 states as follows:-

“1.Appointment to the service may be made in the category of Assistant (Non-Technical) in the Social Welfare Department by direct recruitment for employment



in the State.

2. The number of vacancies in the State filled up under Rule 1 shall not exceed in any year 50% of the substantive vacancies arising in the post of Assistant in that year”.

5. Hence, it may be seen from the above that 50% of substantive vacancies arising in that year shall be filled through direct recruitment. The G.O. Does not state that the 50% of total sanctioned post instead it says 50% of substantive vacancies in that year. Hence, the petitioner's contention is misplaced.

6. As per records, the year-wise substantive vacancies in the cadre of Assistant are as follows:-

S.No.	Year	Substantive Vacancies
1	2022-2023	185
2	2023-2024	13
3	2024-2025	126

7. Therefore, the total substantive Vacancies (2023-2025) = 13 + 126=139. Accordingly, 50% of the above substantive vacancies, which are eligible for direct recruitment as per G.O.Ms.No.46, would be:

a. For 2023-2024: 50% of 13 =7 posts

b. For 2024-2025: 50% of 126 = 63 posts

8. Out of the 70 posts, 2 are earmarked under Sports Quota, leaving 68 posts for direct recruitment through TNPSC.

9. Therefore, the Notification No.08/2024 dated 20.06.2024



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issued by TNPSC for recruitment to 68 posts of Assistant is fully in accordance with the permissible 50% direct recruitment quota from the substantive vacancies and does not exceed the limit prescribed under G.O.Ms.No.46 dated 16.05.2022.

10. You are kindly requested to bring this clarification to the attention of the Hon'ble Court for proper appreciation of the recruitment framework under G.O.Ms.No.46, HRM (D) Department dated 16.05.2022.

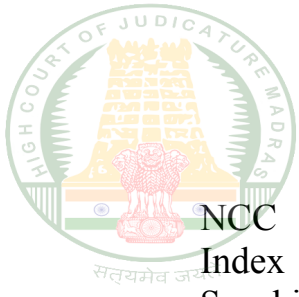
11. This instruction is issued for kind consideration of the Government Pleader and for submission before the Hon'ble Madras High Court."

5. In view of the written instructions given by the Director of Social Welfare, Chennai, the apprehension of the writ petitioners is answered and it is clear from the above instructions that the promotion of the petitioners will not get affected. Hence, recording the submissions made by the learned Additional Government Pleader appearing for the respondents 1 to 3, this Writ Petition is closed. No costs. Connected miscellaneous petitions are closed.

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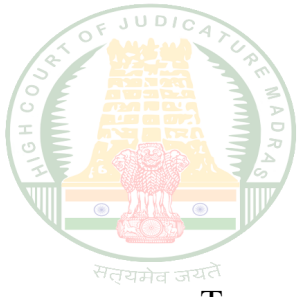
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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

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To:

- 1.The Principal Secretary to Government,
Human Resources Management (B) Department,
Secretariat,
Chennai-600 009.
- 2.The Principal Secretary to Government,
Social Welfare and Women Empowerment Department,
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- 3.The Commissioner,
Commissionerate of Social Welfare,
Lady Willingdon College Campus,
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- 4.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
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C.KUMARAPPAN, J.

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