



WEB COPY



WP.No.27488 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.27488 of 2018

and

WMP.No.32295 of 2018

B.Krishnarani

W/o Sivasubramaniam.

...

Petitioner

/vs/

Tamil Nadu Public Service Commission,
Rep.by its Secretary,
Brazer Bridge Road,
Chennai 600 003.

...

Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of declaration that the results declared by the respondent on 30.08.2018 and also the selection list dated 17.09.2018 released by the respondent as unconstitutional, illegal and non-est in eye of law and consequently direct the respondent to conduct the oral test afresh by strictly following the selection procedure and select the candidates in the ratio of 1:3 for the posts of Executive Officer, Grade I in Group VII-A services 2014-2015, 2015-2016 nad 2017-2018 in Tamil Nadu Hindu Religious and Charitable Institutions for which examination was conducted on 20.01.2018 and 21.01.2018.

For Petitioner : M/s. R.Saritha

For Respondents : Mrs.G.Hema, Standing Counsel for TNPSC



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ORDER

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This Writ Petition has been filed seeking a Writ of declaration that the results declared by the respondent on 30.08.2018 and also the selection list dated 17.09.2018 released by the respondent as unconstitutional, illegal and non-est in eye of law and consequently direct the respondent to conduct the oral test afresh by strictly following the selection procedure and select the candidates in the ratio of 1:3 for the posts of Executive Officer, Grade I in Group VII-A services 2014-2015, 2015-2016 nad 2017-2018 in Tamil Nadu Hindu Religious and Charitable Institutions for which examination was conducted on 20.01.2018 and 21.01.2018.

2.Heard M/s. R.Saritha, learned counsel for the petitioner and Mrs.G.Hema, learned Standing Counsel for TNPSC and perused the materials available on record.

3. The petitioner who applied to the post of executive officer in response to the notification of the year 2017 of the respondent, has participated in the written examination. As the petitioner cleared the written examination, she was directed



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to appear for certificate verification. The petitioner went for certificate verification on 4.7.2018 and thereafter, the results were declared on 30.8.2018.

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In that result, the petitioner's name was not found and hence the petitioner has filed this petition.

4. The learned counsel for the petitioner submitted that the petitioner had applied under the category of MBC and she got the qualifying marks in her written examination, she ought to have been included in the zone of consideration and thereafter, she should have been considered for selection.

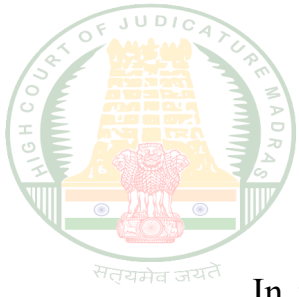
5. The learned counsel for the respondent submitted that the notification has got a condition that if a post is identified for differently-abled persons in any category, the reservation of 4% for differently abled persons will be made applicable. This is in pursuance of the government order in G.O.Ms.21, Welfare of Differently Abled Persons (DAP) Department, dated 30.05.2017. So, one post that ought to have been classified under MBC (Most Backward Classes) category was identified as falling under the 4% allotted for differently abled persons.

6. In the first rotation of 37 turns, specifically for the MBC/DC (acid attack



victim) general category, although the post fell under this category, no candidates were available for the said category. Since interchanging categories cannot be done within the same year, even if no candidates are available under the reserved category for differently-abled persons, Section 27(b) of the Tamil Nadu Government Servants (Services and Conditions) Act, 2013 states that the vacancy shall be carried forward to the next recruitment year. If, in the succeeding recruitment year, suitable candidates with the benchmark disability are still unavailable, the vacancy can be filled by interchanging among the five categories. Only in such a case, a person without a disability can be considered to fill the vacancy designated for a person with a benchmark disability.

7. Despite being called for certificate verification, the petitioner did not reach the zone of consideration, as the post was ultimately allotted to the acid attack victim category. As the above post has to be carried over for the next recruitment year, the candidates under the MBC category, who are the persons with more disabilities, were not included in the zone of consideration. As the petitioner had accepted the terms and conditions as per the regulations of recruitment, she has to abide by them. As there is no violation of rules that seems to have been made out, no direction sought in the writ petition can be granted.



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In the result, the writ petition is **dismissed**. No costs. consequently, the connected miscellaneous petition is also closed.

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Index : Yes
Internet : Yes/No
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R.N.MANJULA, J.
jrs

To
The Secretary,
Tamil Nadu Public Service Commission,
Brazer Bridge Road,
Chennai 600 003.

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and
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