



W.P.(MD) No.29657 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
06.11.2025	19.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.29657 of 2025 &
W.M.P.No.22949 of 2025

M.Mumtaj Begam

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
School Education Department,
Secretariat, St. George Fort,
Chennai – 600 009.

2.The Director of School Education,
O/o.The Director of School Education,
DPI Campus,
Chennai.

3.The Teachers Recruitment Board,
Rep., by its Chairman,
College Road, Nungambakkam,
Chennai – 6.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue

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a writ of Mandamus to direct the respondents to publish the reserve list for each communal category in pursuant to the provisional selection list published by the third respondent vide his proceedings Nil, dated 31.05.2025 in pursuant to the notification issued by the third respondent vide notification No.01/2024 dated 09.02.2024 in accordance with Section 3(u) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and consequently to direct the respondents to consider the petitioner for appointment to the post of Secondary Grade Teacher under BCM (Women) (PSTM) category on the basis of marks secured by her, within the stipulated time fixed by this Court.

For Petitioner : Mr.Mohammed Zamil

For Respondents : Mr.N.Satheesh Kumar AGP for RR1 & R2
Mr.T.Amjadhkhan GA for R3

ORDER

This Writ Petition had been filed to direct the respondents to publish the reserve list for each communal category in pursuant to the provisional selection list published by the third respondent vide his proceedings Nil, dated 31.05.2025 in pursuant to the notification issued by the third respondent vide notification No.01/2024 dated 09.02.2024 in accordance with Section 3(u) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and consequently to direct the respondents to consider the petitioner for

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appointment to the post of Secondary Grade Teacher under BCM (Women) (PSTM) category on the basis of marks secured by her, within the stipulated time fixed by this Court.

2. Heard Mr.Mohammed Zamil, the learned counsel appearing for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the first and second respondents and Mr.T.Amjadhkhan, learned Government Advocate appearing for the third respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner having qualification is eligible to be appointed as a Secondary Grade Teacher or B.T. Assistant. He would submit that the third respondent herein has issued a notification on 25.10.2023 inviting applications for the post of Graduate Assistants/BRTE-2023 for which the petitioner had also submitted her application. It had also issued a further notification on 09.02.2024, for the post of Secondary Grade Teacher for which also the petitioner had made her application. A provisional selection list for the post of Secondary Grade Teacher was published on 30.04.2025 wherein the petitioner's name was also found and was called for certificate verification on 14.05.2025 and a final provisional selection list was also published on

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31.05.2025. As the 'Reserve List' was not published, the petitioner had made a representation to the third respondent to publish the 'Reserve List', but however, the same was not published. Hence, the petitioner had approached this Court.

4. He would further submit that in terms of 3(u) of the Tamil Nadu Government Servants (Conditions of Service) Act, (hereinafter referred to as the 'Act'), it is the duty to publish a 'Reserve List'. In that context, he would also rely upon a judgment of the Division Bench of this Court in the case of ***M.S.Kalaivani vs. Secretary, TNPSC, Chennai & Anr.***, reported in **2025 SCC Online Mad 2076** in support of his contentions. Hence, he seeks indulgence of this Court to direct the respondents to publish the list for 'Reserve List' for each communal category in accordance with Section 3(u) of the Act and consequently direct the respondents to consider the petitioner for appointment to the post of Secondary Grade Teacher under BCM (Women) (PSTM) category on the basis of marks secured by her.

5. Countering his arguments, the learned counsel appearing for the third respondent on written instructions would submit that the third respondent is a recruiting agency and on selection of meritorious candidates,

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it would forward the selection list to the User Department. The User Department only would conduct the counselling, issue orders of appointment and postings to the respective selected candidates. He would further submit that the third respondent released the list of candidates to be called for certificate verification in the ratio of 1:1.25 and after perusing the records of the candidates, the provisional list of meritorious candidates would be published in the ratio of 1:1 and send it to the User Department. If the User Department seeks to fill up the vacancies that arose out of the selected candidates, who have not joined, then the third respondent would select the next meritorious candidates from among the candidates, who had participated in the certificate verification based on their marks and their communal turn. He would contend that unless and until such a request is made by the User Department, the third respondent being the recruiting agency do not have any role.

6. He would further contend that the provisional selection list for the post of Secondary Grade Teacher was published on 31.05.2025 and the entire recruitment had attained finality in the month of July 2025 by way of issuing orders of appointment to the selected candidates. Hence, he would submit that the claim made by the petitioner is wholly without any merits and

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therefore, prays this Court to dismiss the Writ Petition.

7. I have considered the submissions made by the learned counsel appearing on either side and perused the materials placed.

8. Section 3(u) of the Act defines “reserve list”. The issue with regard to publication of 'Reserve List' had been dealt with by the Hon'ble Division Bench of this Court in the case of ***M.S.Kalaivani vs. Secretary, TNPSC, Chennai & Anr.***, reported in ***2025 SCC Online Mad 2076***. The Hon'ble Division Bench after hearing the respective parties, had held that the publication of reserve list in each of the recruitments conducted by the TNPSC, which is also a recruiting agency like that of the third respondent herein, it is a must and inevitable one that the 'Reserve Lists' are published, as the same cannot be dispensed with. For better appreciation, the relevant paragraphs are extracted hereunder:-

20. In two places, 2016 Act speaks about the Reserve List.

First is under Section 3(u) under the heading 'Reserve List', it states that the Reserve List means, the list which is prepared so as to contain not less than 25% of the candidates of each reservation group including general turn in the regular list and shall be in force

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until the regular list is drawn up subsequently.

21. In Section 27(f) last proviso, it states that, "provided also that the Reserve List shall be operated even against the vacancies caused due to the fact that the candidates have joined duty but left thereafter while the Reserve List is in force".

22. These two provisions have been mentioned in the letter of the Government dated 27.11.2020 and has further stated that, 2016 Act does not contemplate counselling procedure to be adopted during selection by TNPSC. Moreover, non-adherence of existing rules cannot be considered as a reason for amendment to 2016 Act. Hence, the proposal to dispense with the preparation of Reserve List for the selection of candidates by counselling is not feasible of compliance.

23. Since the publication of Reserve List in each of the recruitment to be conducted by TNPSC is a must and inevitable one, which cannot be dispensed with in view of the provisions of 2016 Act, especially in view of Sections 3(u) as well as 27(f) as stated supra, the Government has made very clear about the stand of the State that such a plea raised by TNPSC to dispense with the



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publication of the Reserve List cannot be accepted as it is not feasible of compliance.

8. After holding so, the Hon'ble Division Bench had directed the recruiting agency namely TNPSC in the said case to publish a 'Reserve List' which would contain not less than 25% equal of the selected candidates published by the TNPSC.

9. In the present case, it is admitted by the third respondent that it had called for certificate verification of the successful candidates in the ratio of 1:1.25 as per the merits and had published a provisional list of candidates in the ratio of 1:1 and had forwarded the same to the User Department for appointment. It had retained 0.25 % of the selected list of the meritorious candidates, who did not come within the zone for appointment. In such an event, this Court also do not see any impediment for the third respondent who is also a recruiting agency as that of the TNPSC to publish the 'Reserve List' as the third respondent is also bound by the provisions of the Act.

10. For the aforesaid reasons, the Writ Petition stands allowed and there shall be a direction to the third respondent to publish a 'Reserve List' not only for the recruitment in issue, but also in all forthcoming recruitment processes

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in compliance with the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 without fail. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The State of Tamil Nadu,
Rep., by its Principal Secretary,
School Education Department,
Secretariat, St. George Fort,
Chennai – 600 009.
- 2.The Director of School Education,
O/o.The Director of School Education,
DPI Campus,
Chennai.
- 3.The Teachers Recruitment Board,
Rep., by its Chairman,
College Road, Nungambakkam,
Chennai – 6.



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K.KUMARESH BABU, J.

Pbn

PRE-DELIVERY ORDER
IN

W.P.(MD) No.29657 of 2025 &
W.M.P.No.22949 of 2025

19.12.2025