NATIONAL COMMISSION FOR SCHEDULED TRIBES
RU-I

File No.: Court Case /UPSC-1/07/Service/RU-I

Sub : Writ Petition NO. 14982/2007 ,1814/2008 High Court of Madras at Chennai –Sh. N.Karthikayan , Managing Trustee , Voice of People . Valapuram Distt.,Tamil Nadu versus Union of India , Ministry of Personnel , UPSC

Brief of the judgement of the Hon'ble High Court

The writ petitions were filed in public interest for a direction to the Union of India to take appropriate action with reference to the alleged violation by the UPSC in allocating meritorious candidates belonging to OBC, SC and ST categories as against the designated quota of the reserved categories in the selection and appointment of candidates for civil services instead of treating them as selected under general category in accordance with the law laid down by the Supreme Court in Union of India Vs. Satya Prakash, 2006 (4) SCC 550.

In the result,

(i) Rule 16(2) of the Examination Ruels issued by the Govt of India for the Civil services Examinaiton ,2005 vide notification no 13018 /8/2004 AIS (1) dated 4/12/2004 , is declared as unconstitutional , being contrary to Articles 14,16 (4) and 335 of the Constitution and the same is thus, null and void in the eye of law. Consequently, the merit lists prepared by the Government of India and the UPSC are also set aside.

(ii) The Government of India and the UPSC are directed to proceed with the selection from the stage of announce of results for all the 457 posts in 21 services notified in the Notification dated 4/12/2004 and re-wrok the allocation, de hors the impugned Rule 16 (2) , and treat the reserved candidates who got selected on their own merit and without availing the relaxed standards as unreserved candidates and fill the posts of 'reserved category ' with the candidates , who availed the relaxed standards i.e. 66SC, 32 ST, 117 OBC candidates, after preparing the merit list for each category, by following the judgements

of the Hon'ble Apex Court in R.K. Sabharwal's case and Satya Prakash 's case (cited suprs) read with the 'Note' appended to the Notification dated 4/12/2004

(iii) Considering the fact that the notification was issued on 4/12/2004, preliminary examination was conducted on 15/5/205 the main examination was conducted on 21/10/2005 and interview was held on 7/4/2006 and the select lists were issued on 8/5/2006 and 3/4/2007 and thus a considerable delay has occurred in making the selection , we direct the officials respondents to complete the entire above exercise with a period of 12 weeks from the date of receipt of copy of this order.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..08..2007

CORAM

THE HON'BLE MR.AJIT PRAKASH SHAH, CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.Nos.23725, 23726 & 14982 of 2007
and
W.P.M.P.Nos.1+1+1&2 of 2007

W.P.No.23725 of 2007
PeriyarDravidar Kazhagam,
Rep. by its President Mr.T.S.Mani,
S/o. Sengodan,
Ponnagar Road,
Mettur - 636 401,
Salem District. ..Petitioner.

Vs.

1. Union of India,
rep. by Secretary to Government,
Department of Personnel and Training,
Ministry of Personnel,
Public Grievances and Pensions,
New Delhi.

2. Union Public Service Commission,
rep. by its Secretary,
Dholpur House,
Shajahan Road,
New Delhi - 110 069.

3. Gurbachan Jagat,
Chairman,
Union Public Service Commission,
New Delhi.

4. B.N.Navalwala,
Member,
Union Public Service Commission,
New Delhi.

5. Subir Dutta,
Member,
Union Public Service Commission,
New Delhi.

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6. Prof. D.P.Agarwal,
Member,
Union Public Service Commission,
New Delhi.

7. Air Marshall (Retd.) Satish Govinda Inamdar,
Member,
Union Public Service Commission.
New Delhi.

8. Parveen Telha,
Member,
Union Public Service Commission,
New Delhi.

9. Dr.Bhure Lal,
Member,
Union Public Service Commission,
New Delhi.

10. Ms.Chokila Iyer,
Member,
Union Public Service Commission,
New Delhi.

11. Mr.Roy Paul,
Member,
Union Public Service Commission,
New Delhi.

12. Prof.K.S.Chalam,
Member,
Union Public Service Commission,
New Delhi.

..Respondents.

W.P.No.23726 of 2007

M.F.Khan, M.A., B.L.,
Advocate,
No.8, 2nd Street,
New Colony,
Adambakkam,
CHENNAI - 600 088.

..Petitioner.

Vs.

1. Union of India,
rep. by Secretary to Government,
Department of Personnel and Training,
Ministry of Personnel,
Public Grievances and Pensions,
New Delhi.

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2. Union Public Service Commission,
rep. by its Secretary,
Dholpur House,
Shajahan Road,
New Delhi - 110 069. ..Respondents.

W.P.No.14982 of 2007:

Voice of People,
A regd. Trust rep. by its
Managing Trustee Mr.N.Karthikeyan,
No.21A, Pattikattu Street,
Kumarakuppam, Valavanoor Post,
Villupuram District - 605 108. ..Petitioner.

Vs.

1. Union of India,
rep. by its Secretary,
Ministry of Personnel, Public Grievances and Pension,
Department of Personnel & Training,
North Block,
New Delhi - 110 001.

2. Union Public Service Commission,
rep. by its Secretary,
Dholpur House,
Shajahan Road, New Delhi - 110 069.

3. The National Commission for Backward Classes,
Trikoot - 1, Bhikaji Cama Place,
New Delhi - 110 066.

4. The National Commission for Scheduled Caste,
5th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi - 110 003.

5. The National Commission for Scheduled Tribe,
6th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi - 110 003. ..Respondents.

PRAYER:

W.P.No.23725 of 2007:- Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus directing the 1st respondent to take appropriate action with reference to the continued violation by respondents 2 to 12 in allocating meritorious candidates belonging to O.B.C., S.C., S.T., as against the designated quota of the reserved categories in the selection and appointment of candidates for civil services instead of treating them as selected under General Category in accordance with rulings of the Hon'ble Supreme Court and the directions of the Government of India.

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W.P.No.23726 of 2007:- Petition filed under Article 226 of the Constitution of India for the issuance of a writ of declaration declaring that the selection for the Civil Services Examination by the respondents for the year 2006 is ultra vires, un-constitutional and illegal as being contrary to law as settled by the Supreme Court and further direct the respondents to publish fresh selection lists by implementing the order of the Supreme Court passed in Civil Appeal Nos.5505 to 5507 of 2003 dated 05.04.2006 in the case of Union of India & Another Vs. Satya Prakash & Others.

W.P.No.14982 of 2007:- Petition filed under Article 226 of the Constitution of India for the issuance of a writ of declaration declaring that Rule 16(2) of the Rules for the Civil Service Examination No.13018/6/2005 of the 2nd respondent, as illegal and violative of Article 14 & 16(4) of the Constitution of India and consequently to rework the selection/allotment.

Mr.S.Doraisamy :: For Petitioners in W.P.Nos.23725 & 23726 of 2007

Mr.V.T.Gopalan, :: For Union of India in all the petitions
Addl. Solicitor General
assisted by Mr.P.Wilson,
Asst. Solicitor General

Mr.K.Sridhar :: For Union Public Service Commission in all the petitions

O R D E R

(Order of the Court was made by The Hon'ble The Chief Justice)

Heard learned counsel for the parties. At the instance of Mr.K.Sridhar, learned counsel for the Union Public Service Commission W.P.No.14982 of 2007, which is not listed today, is also taken up for hearing today, as the issue involved in all the writ petitions is one and the same.

2. The writ petitions have been filed in public interest for a direction to the Union of India to take appropriate action with reference to the alleged violation by the Union Public Service Commission in allocating meritorious candidates belonging to O.B.C., S.C. and S.T. categories as against the designated quota of the reserved categories in the selection and appointment of candidates for civil services instead of treating them as selected under general category in accordance with the law laid down by the Supreme Court in Union of India Vs. Satya Prakash, 2006(4) SCC 550. Learned Additional Solicitor General appearing for the Union of India, however, pointed out that the judgment of the Supreme Court sought to be relied upon by the petitioners is based on the old Rule 16(2) of the Civil Services Examination Rules, 1996, which stands amended now, and the interpretation of the amended rule is the subject matter of O.A.No.619 of 2006, pending before the Central Administrative Tribunal, Chennai, which is posted for further arguments on 14.08.2007.

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submitted that the very same issue which is raised in these PILs is the subject matter of the abovesaid O.A. pending before the Tribunal. In the above circumstances, we are not inclined to entertain these PILs. Accordingly all the writ petitions are dismissed. No costs. In view of the dismissal of the writ petitions, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

26/8/07
Sub Asst. Registrar.

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Copy to:-

1. The Secretary to Government,
   Union of India,
   Department of Personnel and Training,
   Ministry of Personnel,
   Public Grievances and Pensions,
   New Delhi.

2. The Secretary,
   Union Public Service Commission,
   Dholpur House,
   Shajahan Road,
   New Delhi - 110 069.

3. The National Commission for Backward Classes,
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   Khan Market,
   New Delhi - 110 003.

5. The National Commission for Scheduled Tribe,
   5th Floor, Lok Nayak Bhawan,
   Khan Market,
   New Delhi - 110 003.

3 CC To Mr.K.Sridhar, Advocate, SR NO.50735.
2 CC To Mr.S.Doraisamy, Advocate, SR NO.50374.
1 CC To Mr.P.Wilson, Advocate, SR NO.50760.

MJ(CO)
RVL 22.08.2007

W.P.Nos.23725, 23726 & 14982 of 2007

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