

## CASE COMMENT: J. SHEENA VS TAMIL NADU PUBLIC SERVICE COMMISSION

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### INTRODUCTION

The Madras High Court has nullified the provisional recruitment of 245 civil judges for the Tamil Nadu judicial service due to violations of reservation and roster regulations.

In an order dated February 27, Justices SM Subramaniam and K Rajasekar directed the Tamil Nadu Public Service Commission (TNPSC) to cancel the provisional selection list published on February 16, 2024, and to release a revised list within two weeks.

The high court found that the TNPSC had misinterpreted Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, by incorrectly placing top-ranking candidates in the reserved category posts while assigning general category posts to lower-scoring candidates.

The court held that this methodology violated the scope of Section 27(f) as interpreted by the Supreme Court in the State of Tamil Nadu Vs. K. Shobana (2021). The erroneous placement of candidates in both the general and reserved categories denied opportunities to other eligible candidates based on their marks. The court ruled that the provisional selection list needed to be redrawn, placing the top-ranking candidates in the general category in accordance with the Supreme Court's interpretation in K. Shobana's case.

The court was addressing writ petitions filed by several candidates for the Civil Judge (Junior Division) examination in the Tamil Nadu State Judicial Services, conducted by TNPSC. The petitioners argued that TNPSC's June 1, 2023 notification, which invited applications for 245 civil judge positions, including 92 "carried forward" vacancies, should have applied reservation provisions to the 92 vacancies as per Section 27(f) of the 2016 Act, while the remaining 153 regular vacancies should have followed general reservation rules.

The court clarified that, according to the Supreme Court, meritorious candidates should be placed in the general category first, based on established legal principles. Toppers in the merit

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ranking cannot be placed in the reserved category solely to fill backlog vacancies. The court further explained that the merit list should first accommodate the highest-scoring candidates in the general category, then assign other candidates to carry forward vacancies as per the designated quota, and finally fill remaining vacancies against current openings.

## **FACTS OF THE CASE**

The Madras High Court recently nullified the provisional recruitment of 245 civil judges for the Tamil Nadu Judicial Service, citing violations of reservation and rostering regulations. Justices SM Subramaniam and K Rajasekar issued an order on February 27 instructing the Tamil Nadu Public Service Commission (TNPSC) to annul the provisional selection list released on February 16, 2024, and to issue a revised list within two weeks. The court found that the TNPSC had incorrectly applied Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016<sup>1</sup>, by assigning top-scoring candidates to reserved category seats and placing lower-scoring candidates in general category seats. This misinterpretation, contrary to the Supreme Court's interpretation in the State of Tamil Nadu vs. K. Shobana (2021)<sup>2</sup>, resulted in the exclusion of many eligible candidates from both general and reserved categories based on their scores. The court ordered a revision of the provisional selection list, directing that top candidates from the merit list be placed in the general category as per the Supreme Court's interpretation. Writ petitions filed by candidates for the Civil Judge (Junior Division) positions in Tamil Nadu State Judicial Services, managed by TNPSC, highlighted irregularities in the TNPSC notification. Petitioners argued that special reservation provisions should have been applied to 92 'carry-over' vacancies, while general reservation rules should have governed the remaining 153 regular vacancies. The court clarified that deserving candidates/toppers should be placed in the general category, even when filling pending vacancies, based on established legal principles, emphasising that the merit list should prioritise candidates with the highest marks in the general category, followed by filling the remaining vacancies accordingly.

## **LEGAL ISSUES**

The Madras High Court quashed the original recruitment of 245 civil judges in Tamil Nadu due to a violation of reservation and roster regulations.

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<sup>1</sup> [https://www.trb.tn.gov.in/admin/pdf/6475358796tngs\\_act\\_2016.pdf](https://www.trb.tn.gov.in/admin/pdf/6475358796tngs_act_2016.pdf)

<sup>2</sup> [https://main.sci.gov.in/supremecourt/2020/19994/19994\\_2020\\_39\\_1501\\_26708\\_Judgement\\_05-Mar-2021.pdf](https://main.sci.gov.in/supremecourt/2020/19994/19994_2020_39_1501_26708_Judgement_05-Mar-2021.pdf)

Justices SM Subramaniam and K Rajasekar directed the Tamil Nadu Public Service Commission (TNPSC) to cancel the provisional selection list and issue a revised one within two weeks.

Incorrect interpretation of Section 27 letter (f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 by the TNPSC resulted in the highest scoring candidates being placed in the reserved category posts and the lower scoring candidates being allotted in the general category posts.

The Court clarified that the high-performing candidates should be placed in the general category while emphasising the importance of prioritising them in the merit lists and allotment of transfer vacancies as per quota, while the remaining vacancies should be filled against the current vacancies.

### **OBSERVATION OF THE COURT**

In the case regarding the provisional recruitment of civil judges for the Tamil Nadu Judicial Service, the court observed significant deviations from established legal principles and reservation policies. Central to the court's observation was Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, which governs the reservation policy and the handling of backlogged vacancies in subsequent recruitment cycles. The court found that the Tamil Nadu Public Service Commission (TNPSC) had misinterpreted this section by erroneously placing top merit candidates in reserved category posts while assigning general category posts to candidates with lower scores. This misapplication of Section 27(f), as clarified by the Supreme Court in *K. Shobana v. State of T.N. (2021)*, resulted in the exclusion of eligible candidates from both general and reserved categories. The Supreme Court's judgment emphasised that deserving candidates should first be placed in the general category, reinforcing the principle of equal opportunity and fair representation.

The court noted that the TNPSC's methodology violated this interpretation by not following the prescribed order for filling vacancies. The court underscored the need to adhere to the Supreme Court's ruling, which mandates that top-ranking candidates be allocated to the general category before considering reserved category placements.

Furthermore, the court highlighted broader constitutional principles related to equal opportunity and fair representation in the context of reservation policy and the selection process

for civil judges. By directing the TNPSC to revise the provisional selection list, the court aimed to ensure that the recruitment process aligns with these constitutional principles and the Supreme Court's interpretation, promoting a fair and transparent selection process for judicial appointments. This directive required the TNPSC to rectify its approach by placing merit candidates in the general category first and appropriately filling reserved category posts, thereby upholding the integrity of the reservation system and ensuring justice for all eligible candidates.

### **DECISION OF COURT**

The judgment revolves around careful compliance with section 27 (f) of the Act, 2016 by the Tamil Nadu Public Service Commission (TNPSC) in drawing up the provisional select list for the appointment of Civil Judges in the State Judiciary. He emphasises that the provisional publication of the select list does not confer any right of appointment, and therefore, no such relief has been granted to any person. The aim is to ensure that the reservation principles are strictly followed, as stipulated in section 27(F). As a result, it is considered unnecessary to include candidates who have already secured a place on the preliminary shortlist in the judicial process. Instead, we focus on redrawing the list, carefully following the merit rating, and applying the reservation rule correctly. The judgment issues directions to the TNPSC ordering the immediate cancellation of the provisional selection list released earlier. It instructs the TNPSC to prepare a revised provisional selection list immediately. The revised list should give preference to placing the top-ranked candidates from the merit list in the general category. Subsequently, the candidates should be considered against the carried forward vacancies based on the prescribed backlog quota. The remaining candidates should then be placed against the current vacancies, strictly following the rule of reservation. The Court shall direct the publication of the revised provisional selection list within two weeks of receipt of a copy of the order. It stresses the importance of starting all further proceedings only after the revised list is published. This verdict highlights the importance of upholding the principles of reservations and ensuring a fair and transparent selection process for the appointment of Civil Judges in the Tamil Nadu Judiciary.

### **CONCLUSION**

In conclusion, the Madras High Court's decision underscores the critical importance of adhering to legal principles and reservation policies in the recruitment process for judicial

appointments. The court's directives to the Tamil Nadu Public Service Commission (TNPSC) to cancel and revise the provisional selection list aim to rectify the misinterpretation of Section 27(f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. By mandating that top-ranking candidates be placed in the general category first, the court ensures compliance with established legal standards and the Supreme Court's interpretation in the K. Shobana case.

This decision not only rectifies the immediate procedural flaws but also reinforces the broader constitutional principles of equal opportunity and fair representation. It emphasises the necessity of a fair and transparent selection process that respects merit while properly implementing reservation policies. By doing so, the court seeks to uphold the integrity of the judicial appointment process, ensuring that all eligible candidates receive their rightful opportunities based on their merit and adherence to reservation laws. This case serves as a reminder of the judiciary's role in safeguarding fair practices and maintaining trust in the recruitment processes of public services.

