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W.A.(MD)NO.1164 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

W.A.(MD)No.1164 of 2023

and

C.M.P.(MD)No.8895 of 2023

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Public Health and Family Welfare Department,
Secretariat, Chennai.
 2. The Director of Public Health and Preventive Medicine,
No.359, Anna Salai,
Chennai – 6.
 3. The Director of Employment and Training,
Guindy, Chennai -32. ... Appellants / Respondents
- Vs.
- S.Thiruppathi ... Respondent / Petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 31.03.2022 passed in W.P.(MD) No.8997 of 2016 on the file of this Court and allow this writ appeal.

For Appellants : Mr.S.Shaji Bino,
Special Government Pleader.
For Respondent : Mr.T.Thirumurugan

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JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2. The State has filed this writ appeal questioning the order dated 31.03.2022 passed by the learned single Judge allowing W.P. (MD)No.8997 of 2016 filed by one Thiruppathi, the respondent herein.

3. Thiruppathi belongs to Arunthathiyar community. In the year 2009, the Health Department of the Government of Tamil Nadu launched a special drive to fill up as many as 55 vacancies in the post of Health Inspector. No public notification was issued calling for applications from eligible candidates. The department chose to fill up the vacancies based on the list of candidates sponsored by the Director of Employment and Training, Guindy, Chennai. Though Thiruppathi had enrolled himself with the Director of Employment and Training, Guindy, Chennai on 12.08.2004 itself, his name was not included in the said list. After he became aware of the same, he filed W.P.No.28723 of 2010 for directing the authorities to consider his



case. The writ petition was disposed of on 20.12.2010 and the authorities were directed to consider his representation. Pursuant to the said direction, the Director of Public Health and Preventive Medicine, Chennai informed the writ petitioner vide communication dated 03.09.2011 that his name was not sponsored by the Employment Exchange as he had not reached the requisite seniority. However, Thiruppathi sent few more representations reiterating his request for being appointed. His grievance was that 3% reservation provided for Arunthathiyar community was not fulfilled. His request was again rejected vide communication dated 05.02.2016 and he was informed that no reservation was earmarked for Arunthathiyar community. Challenging both the communications, Thiruppathi filed W.P.(MD)No.8997 of 2016. The learned single Judge allowed the writ petition. Assailing the said order, this writ appeal has been filed.

4. The learned Special Government Pleader appearing for the appellants reiterated all the contentions set out in the grounds of appeal. His core submission was that reservation for Arunthathiyar community is not a social reservation but only a special reservation.



5. We have no hesitation to reject this argument. In fact, this

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issue is no longer *res integra*. Vide order dated **20.06.2025 in W.A.**

(MD)No.2471 of 2024 (E.Surya Vs. The Teachers Recruitment

Board, Chennai), the Division Bench of the Madurai Bench of Madras

High Court had held as follows:-

“8. It cannot be disputed that reservation meant for Arunthathiyars is a social reservation and not special reservation. Social reservation will come only under vertical category whereas Special Reservation will come under horizontal category. Horizontal reservation will cut across all categories. In the very nature of things, reservation for Arunthathiyars cannot cut across all categories. Since Arunthathiyar reservation has been carved out of the reservation for Scheduled Castes, as a logical correlative, it is also vertical.

...

10.It must be conceded that use of expressions such as “preferential basis”, “even after filling up of the required appointments or posts reserved for Arunthathiyars amongst the Scheduled Castes” found in the relevant statutes do cause confusion. Before remarking on the use of such terms, we must remind ourselves of the historical



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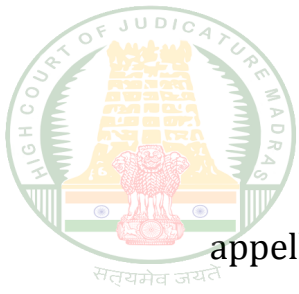
context in which the statutes ((Tamil Nadu Act 4 of 2009) and (Tamil Nadu Act 14 of 2016)) came to be enacted. The State of Tamil Nadu took a daring step for the cause of social justice in the face of the judgment of the Hon'ble Supreme Court in ***E.V.Chinnaiah vs. State of A.P (2005) 1 SCC 394***. It was held therein that there cannot be any grouping of Scheduled Castes into different categories for differential treatment. The said decision forbade subclassification of Scheduled Castes. It declared that the members of the Scheduled Castes are a single integrated and homogenous class and that it was not competent for a legislature of a State to sub-divide them into separate compartments with a separate percentage of reservation for each.

11.E.V.Chinnaiah was overruled in Davinder Singh which is a Seven Judges Bench (6:1) decision. The correctness of ***E.V.Chinnaiah*** was doubted in the year 2020 itself by a Five Judges Bench. The text as well as the expressions found in Tamil Nadu Act 4 of 2009 and Section 27 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 must be expansively construed in the light of ***Davinder Singh*** so as to effectuate the legislative intention.”



The 3% internal reservation provided for the Arunthathiyar community vide Tamil Nadu Act No. 4 of 2009 came into force on 12.03.2009. Whenever vacancies in the Government departments are filled up, the recruitment process must be in consonance with the latest reservation policy. Admittedly, the recruitment for the post of Health Inspector took place in September, 2009. Thus, the authorities were obliged to have earmarked quota for Arunthathiyar community. Though the said reservation was termed as horizontal reservation on preferential basis, in essence, it was earmarked for Arunthathiyar community. The 200 point roster was introduced in the year 2007 itself. Following the enforcement of Tamil Nadu Act 4 of 2009, the roster points 2, 32, 66, 102, 132 and 166 were earmarked for Arunthathiyars. Since it was first rotation and 55 vacancies in the post of Health Inspector were filled up, two posts should have been set apart for eligible Arunthathiyar candidates. But only one Arunthathiyar candidate, namely, Balachandran, was appointed. That is why, the learned single Judge rightly granted relief to the writ petitioner.

6. The learned Special Government Pleader appearing for the



appellants contended that the writ petitioner got himself registered in the year 2004 and that probably, he did not renew his registration in the year 2007 and that was why, his name was not sponsored. This contention again has to be negated. This is for two reasons. Nowhere this stand was taken by the appellants earlier. In the counter affidavit such a plea was not projected. This was not one of the grounds of appeal. Hence, such a submission cannot be made across the bar on hypothetical basis. Secondly, as rightly pointed out by the learned counsel for the writ petitioner, in the impugned communication, the authority had taken the stand that the writ petitioner did not have the requisite seniority for being sponsored. The argument of the learned Special Government Pleader though attractive contradicts the stand taken by the appellants in the impugned communication.

7. The learned single Judge had noted that atleast three persons belonging to Scheduled Caste(General) who were juniors to the writ petitioner in the employment exchange seniority had been sponsored and appointed. Thus, the discrimination wrought against the writ petitioner is apparent.



WEB COPY 8. On account of the lapse committed by the Director of Employment and Training, Guindy, Chennai in the year 2009, the writ petitioner had lost 17 valuable years of service. This clock cannot be put back. The writ petition was allowed in March 2022. This writ appeal ought not to have been filed at all. We direct the appellants to appoint the writ petitioner Thiruppathi to the post of Health Inspector within a period of four weeks from the date of receipt of a copy of this order. With the above direction, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
11th March 2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note : Issue order copy on 13.03.2026.



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