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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 5791 of 2026

N.Sreelatha

..Petitioner(s)

Vs

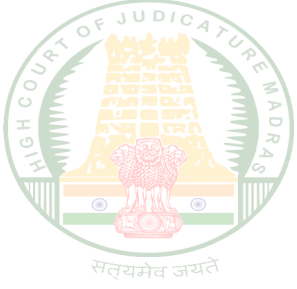
1. The Registrar General
Madras High Court,
Chennai-600 104
2. The Chief Metropolitan Magistrate,
Egmore, Chennai-600 008

..Respondent(s)

Writ Petition under Article 226 of the Constitution of India issuing writ of certiorarified mandamus to call for the records pertaining to the proceedings in Dis.No.509/ 2025A dated 21.11.2025 on the file of the second respondent herein, quash the same and to direct the second respondent to grant/issue the petitioner, No Objection Certificate in pursuant to the representations dated 30.04.2025 and 17.11.2025 with retrospective effect 9from date of petitioner applying before TNPSC on 17.05.2025).

For Petitioner(s): Mr.S.Srinivasan,
for Mr.R.Selvakumar

For Respondent(s): Mr.P.Ebenezer Paul

**ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

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The present Writ Petition has been instituted challenging the order dated 21.11.2025 issued by the Chief Metropolitan Magistrate, Egmore, Chennai- 8, rejecting grant of No objection Certificate (NOC) to appear for Group IV Services Examination, 2025 conducted by the Tamil Nadu Public Service Commission (TNPSC).

2. The facts in brief are that petitioner was appointed as Stenotypist in the Judicial Department. She was recruited to the post of Stenotypist by TNPSC in the recruitment of the year 2021 and joined on 26.03.2021. She has served for about 5 years, and no charge memo or disciplinary proceedings are pending against the petitioner. TNPSC issued recruitment notification on 25.04.2025 inviting applications from eligible candidates for recruitment to the post of Personal Clerk in Secretariat (other than Law and Finance). The petitioner, admittedly submitted a representation on 30.04.2025 for issuance of NOC to participate in the selection process. The said representation was kept pending. No order has been passed before the date of the written examination conducted by TNPSC. Since the representation was not responded, petitioner participated in the competitive examination and got selected to the post of Personal Clerk in Secretariat. Posting order was issued by the competent authority of the Government. In order to secure relieving order, the petitioner approached the Judicial Officer, who in-turn refused to



relieve the petitioner, on the ground that she secured Government appointment without obtaining NOC. Therefore, she is not eligible for appointment.

3. Learned Counsel for the petitioner would mainly contend that there is no fault on the part of the petitioner. She had informed about the submission of application to participate in the competitive examination in advance on 30.04.2025. She requested for issuance of NOC. However, the representation was kept pending without any valid reason by the Chief Metropolitan Magistrate, Egmore. Thus, she participated in the examination and got selected. Therefore, non-issuance of NOC is to be ratified, enabling the petitioner to join the newly recruited post as Personal Clerk in the Secretariat, pursuant to the selection and appointment order.

4. Learned Counsel for the respondent would oppose by stating that mere submission of representation would be insufficient. No NOC was granted. In the absence of NOC, petitioner is ineligible to secure Government appointment. In the absence of any NOC, as per Rule 2 of Tamil Nadu Government Servants' Application for Post Rules, 1973, appointment cannot be granted. In the present case, representation was rejected by Note order dated 14.05.2025, and it was communicated to the petitioner through phone. Written order was passed in Dis.No. 509/2025A, dated 21.11.2025, rejecting the representation of the petitioner for grant of NOC and the said order was



communicated.

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5. This Court considered the rival submissions made by the parties to the lis on hand.

6. This Court has to examine the validity of the action initiated by the 2nd respondent, and inaction/omission in attending the representation submitted by the petitioner before the date of written examination conducted by the TNPSC.

7. This Court is of the considered view that employee has chosen to appear for competitive examination, and submits a representation seeking NOC. Grant of NOC or rejection of NOC must be issued within a reasonable period and, more specifically, before commencement of the selection process. Authorities are not expected to frustrate the representation submitted by the employee to participate in the selection process.

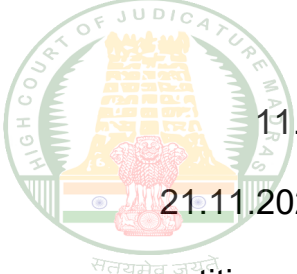
8. Participating in the selection process is a basic right of an in-service candidate. In-service candidate, if eligible, need not be prevented from participating in the selection process. They are participating in the selection process to secure a better position or aspiring for such position. Therefore, their right cannot be denied unnecessarily by keeping such representation pending for an indefinite period and by passing an order of rejection after



completion of the examination. Such an exercise by the competent authority cannot be appreciated by this Court. Any such representations/applications submitted by an employee must be responded without any loss of time.

9. In the present case, Chief Metropolitan Magistrate, in her counter, states that the representation was rejected vide Note order dated 14.05.2025, and it was communicated to the petitioner over phone. However, the order of rejection was passed in the Official memorandum in Dis.No. 509/2025A, dated 21.11.2025 and the said order alone was communicated, which is impugned in the present writ petition. It is not explained why there is a delay of about 6 months in passing the rejection order. Sanctity of the Office Note order, dated 14.05.2025 and communicating the same over phone cannot be trusted upon by this Court. The actual order of rejection was passed on 21.11.2025, after completion of the examination. The said order appears to be passed to cover up the misdeed committed by the establishment in not passing the final order on the representation submitted by the petitioner seeking NOC.

10. In view of the facts and circumstances, the rejection order passed belatedly after completion of the competitive examination is unsustainable and caused infringement of the right of the petitioner from participating in the open competitive process.



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11. Accordingly, the impugned order in Dis.No. 509/2025A, dated 21.11.2025 is set aside. 2nd Respondent is directed to grant NOC to the petitioner within a period of 1 week from the date of receipt of a copy of this order. On receipt of such NOC, petitioner is permitted to join the selected post. Accordingly, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
20-07-2026

Index: Yes/No

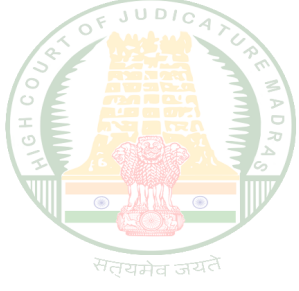
Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

1. The Registrar General
Madras High Court,
Chennai-600 104
2. The Chief Metropolitan Magistrate,
Egmore, Chennai-600 008



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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

GD

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