

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 14.7.2015

Delivered on: 31.7.2015

CORAM

THE HON'BLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE T.MATHIVANAN

W.P.No.17802 of 2015
and
M.P.Nos.1 to 3 of 2015

K.Thaimanavar

...Petitioner

Versus

1. Govt. of Tamil Nadu,
Rep. By Principal Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
2. Madras High Court,
Rep. By Registrar General,
Chennai - 600 104.
3. Asst. Public Information Officer,
(Registrar-Adminstration),
High Court, Chennai.
4. Appellate Authority - RTI
(Registrar General)
Madras High Court,
Chennai - 600 104.
5. Bar Council of India,
Rep. By Secretary,
21, Rouse Avenue Institutional Area,
Delhi - 110 002.
6. Tamil Nadu Public Service Commission,
Rep. By Chairman,
Frazer Building Road,
Chennai - 600 003.

...Respondents

Prayer: Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, this Writ Petition is filed by the petitioner to issue a writ in the nature of certiorarified mandamus, after calling for the records relating to the order of the 3rd respondent herein (RTI Authority) bearing R.O.C.No.1697/2013/RTI dated 08.10.2013 (Ex-B) read with the order of the Appellate Authority 4th respondent herein bearing R.O.C. No. 2840/2013/RTI dated 06.11.2013 (Ex-A) in so far as it relates to the administrative decision of the High Court dated 05.09.2013 and to quash the same and consequently, direct the 1st and 2nd respondents to give effect to the selection of the petitioner as Civil Judge in the light of the Notification of the 1st respondent, dated 21.1.2012.

For Petitioner : Mr.N.G.R. Prasad
for M/s. Row and Reddy.

For Respondent No.1 : Mrs.A. Srijyanthi
Special Govt. Pleader

For Respondent Nos.2 to 4 : Mr.V. Ayyadurai

For Respondent No.5 : Mr.S.R. Rajagopal

For Respondent No.6 : Ms.C.N.G. Niraimathi
Standing Counsel.

ORDER

(T. MATHIVANAN, J.)

Heard Mr. N.G.R. Prasad, learned counsel appearing for the petitioner, Mrs.A. Srijyanthi, leaned Special Govt. Pleader appearing for R1, Mr.V.Ayyadurai, learned counsel appearing for R2 to R4, Mr.S.R. Rajagopal, learned counsel appearing for R5 and Ms.C.N.G. Niraimathi, learned Standing Counsel appearing for R6.

2. In pursuant to the Notification of the Government of Tamil Nadu (R1), dated 21.1.2012 inviting applications for appointment of 185 posts of Civil Judge in the Tamil Nadu State Judicial Service to be made by direct recruitment, the petitioner herein had applied and appeared for the written examination held on 24.3.2012 and 25.3.2012 at Coimbatore and got through the examination. Subsequently, he was called for oral interview.

3. As it revealed from the results of interview held between 28.5.2012 and 8.6.2012 as well as from the marks secured by the candidates, the petitioner was able to secure

20th rank. His registration number is 12937. In the written examination, he had secured 236 marks, whereas in viva-voce, he had secured 35 marks and in total, he had secured 271 marks.

4. That on 10.9.2012, the Government of Tamil Nadu (R1) had issued an order in G.O.(4D) No.71 Home (Courts-I) Department, dated 10.9.2012, wherein it is stated that the Government have notified 185 vacancies for the post of Civil Judges for the years 2009-2012. Of them, 174 candidates were provisionally selected based on the written examination and viva-voce test. The list of 174 candidates for appointment to the post of Civil Judge (Junior Division) in the Tamil Nadu State Judicial Service was examined by the Government.

5. The Governor of Tamil Nadu had approved the selection of 167 candidates specified in the Notification published in pursuant to this order and appointed them as Civil Judge in the Tamil Nadu State Judicial Service.

6. The list of selected candidates has also been annexed with the above said Government Order.

7. The selection list was forwarded to the Government for issuing appropriate orders of appointment. Accordingly, after consideration, the Government had approved the selection of 167 candidates and issued order of appointment as Civil Judge in the Tamil Nadu State Judicial Service on 10.9.2012.

8. The petitioner herein is belonged to Scheduled Caste and particularly Adi Dravida Community and he was one among the 174 candidates provisionally selected and forwarded by the Government to the Governor of Tamil Nadu.

9. In the interregnum, that on 30.7.2012 an unsigned complaint was received from the members of Coimbatore Bar Association alleging that the petitioner had furnished a Bar experience certificate obtained from the Coimbatore Bar Association. But during the three years of practice, he had joined M.B.A. Regular Course in Anna University of Technology, Coimbatore and had completed the course without obtaining suspension certificate from the Bar Council of Tamil Nadu and Puducherry.

10. It was stated that in the said complaint that the petitioner had deliberately concealed the material facts in his application as well as during interview.

11. Based on the said complaint, the Registry was directed to verify the M.B.A. Students profile in Anna

University, Coimbatore for the past three years and also forwarded a copy of the complaint to the Government on 1.8.2012.

12. The Government, in its letter, dated 18.10.2012 addressed to the High Court have stated that a discreet enquiry against the petitioner was conducted, which revealed that the petitioner had enrolled in the Coimbatore Bar Association (MS 1994/2008) during the year 2008 and that it was true that he had completed M.B.A. Degree Course in Anna University of Technology, Periyanaikanpalayam, Coimbatore District from 2008 to 2010 as a regular course. Therefore, the Government have requested the High Court to verify the eligibility of the petitioner with regard to his bar experience and to send a report.

13. Under these circumstances, the above said matter was then pending consideration.

14. It is significant to note here that as per Clause "B" of the Notification, dated 21.1.2012, the candidates aspiring for the post of Civil Judges (Junior Division) must have possessed the following educational qualification.

(B) EDUCATIONAL QUALIFICATION

I. For Practising Advocates/Pleaders and Assistant Public Prosecutors:

(i) Must possess a degree in law of a University in India established or incorporated by or under a Central Act or a State Act of an institution recognised by the University Grants Commission or any other equivalent qualification and got enrolled in the Bar Council of Tamil Nadu and in the case of candidates enrolled in the Bar Councils of other States, they should submit a proof of transfer of their enrolment to the Bar Council of Tamil Nadu;
and

(ii) (a) Must be practising an Advocate or Pleader in the High Court or Courts Subordinate thereto and must have so practised for not less than 3 years on the date of this Notification.

15. On coming to the case of the petitioner herein, it is explicit that for want of requisite experience of not less than three years on the date of Notification in the Bar, his name was not included in the provisional selection list.

16. Only under this circumstance, the petitioner was constrained to file a writ petition in W.P.No.26261 of 2012 before this Court seeking a direction in the nature of writ of mandamus as against respondents therein, viz., The Government of Tamil Nadu, Department of Home and the Registrar General of this Court, to include his name on the basis of the rank obtained by him in the selection to the Tamil Nadu Judicial Service conducted pursuant to the Notification, dated 21.1.2012 by issuing an appropriate corrigendum or amendment to the G.O. (4D) NO.71, dated 10.9.2012 so as to include his name.

17. During the pendency of the above writ petition in W.P.No.26261 of 2012, the petitioner had sent an application to the Bar Council of India, dated 17.12.2012. He had also sent another application to CPIO, Supreme Court of India, seeking an information under Section 6(3) of the R.T.I. Act 2005. The application sent to CPIO of Supreme Court of India was forwarded to the Bar Council of India for compliance.

18. In the above said applications, the petitioner had raised the following two queries:-

a. Whether there is any definition for "Active Practice" in the Advocate's Act, 1961 ?

b. Whether there is a bar for a person to study the course while being enrolled as an Advocate?

19. For the above said two queries, the Bar Council of India had replied in their reply, dated 7.1.2013 as under:-

a. As regard to query No.1 :-

There is no definition of an "Active Practise" in the Advocates Act, 1961, however, it is presumed that a person who is on the roll of the State Bar Council as an Advocate entitled to appear in the various courts of Law.

b. As regard to query No.2:-

In term of the Rules of Bar Council of India, an Advocate cannot profess any other profession except advocacy, however Advocate is entitled to have the part-time teaching in law course, i.e., for 3 hours.

20. The Bar Council of India had also stated that, "it is further to inform you that the Bar Council of India vide its Resolution No.160 of 2009 decided being an Advocate, person can pursue LL.M. regular course, but about the other

course, Rules, Act, and Resolution are silent. The Resolution No.160/2009 is given below:-

"Resolution NO.160/2009

Resolved that the practising advocates can join in LL.M. Course as a regular student without suspending the practice."

21. From the above reply, it is crystallised that a practising advocate can join LL.M. Course as a regular student without suspending the practice.

22. In the writ petition in W.P.No.26261 of 2012 filed by the petitioner herein, the Bar Council of India was impleaded as third respondent.

23. When the petition came up for hearing on 27.3.2013, the Bar Council of India being the third respondent therein had filed a memo along with the letter, dated 23.3.2013 addressed to Mr.S.R. Rajagopal, Advocate.

24. In the letter, dated 23.3.2013, which was produced by the Bar Council of India along with the above said memorandum, it is stated that, "a clarification was sought as to whether the Resolution No.160/2009, whereby council resolved that the practising Advocate can join LL.M. Course as a regular student without suspending the practice is applicable in the matter of present petitioner who has obtained regular MBA (Insurance & Banking) degree course.

25. It appears from the above said letter that in this regard an office note was placed before the Chairman of the Bar Council of India and the Chairman seems to have passed the following order:-

"Perused the office note dated 23.3.2013. Mr.K. Thaimanavar has moved an application before the Hon'ble High Court of Madras. Without going into the merits of the case or of the Rules of Bar Council of India, under the special facts and circumstances of the case, the Rules of Bar Council of India are relaxed in case of Mr.K.Thaimanavar and the exemption to the Rule is granted in his case. Accordingly, the certificate to practice of Mr. Thaimanavar will not be affected because of his pursuing the MBA (Insurance and Banking) course as a regular student. Mr.K. Thaimanavar has succeeded in judicial services exam, therefore, the Council has taken this decision in the extraordinary circumstances."

26. From the above context, we find that the Bar Council of India have proceeded to relax their rules in the case of the petitioner and granted exemption to the rule. It further goes to say that the certificate of practice of the petitioner will not be affected because of his pursuing MBA (Insurance & Banking) course as a regular student.

27. It is obvious to note here that as we have stated in the foregoing paragraphs, though the petitioner was able to secure 20th position in overall rank list in the written examination as well as viva-voce, his name was not included in the Government Order in G.O. (4D) No.71, dated 10.9.2012.

28. Further in the counter affidavit filed by the Registrar General in the writ petition in W.P.No.26261 of 2012, he had stated in paragraph No.9 that the Government have requested the High Court to verify the eligibility of the petitioner with regard to his bar experience and to send a report. Since the matter was pending for consideration, the petitioner herein on 3.7.2013 had sought for an information under RTI Act, 2005 in respect of the following two queries:-

a. When will the above said pending matter be considered?

b. Whether selection of his candidature will be considered or not?

29. Similarly, he had also addressed to the Hon'ble Chief Justice of this Court on the same day with reference to the above noted two queries. The Registrar(Administration) being the Public Information Officer on 8.10.2013 had replied the petitioner in the following manner:-

"In the Hon'ble Administrative Committee meeting, it is resolved that your request cannot be considered. If you are aggrieved against this reply, you may prefer an appeal before the Registrar General (Appellate Authority), High Court, Madras within thirty days from the date of receipt of this letter."

30. The petitioner had also made an appeal before the Registrar General (Appellate Authority) (RTI Act). That appeal was disposed of on 6.11.2013. While disposing of that appeal, the Registrar General (Appellate Authority) had stated that final decision was taken in the matter of the petitioner on 5.9.2013 and the same was communicated to Assistant Public Information Officer (RTI) only on

1.10.2013 and that on 8.10.2013 the information was duly furnished to the petitioner.

31. It is revealed from the representation, dated 26.3.2015 made by the petitioner to the Government of Tamil Nadu, the Registrar General of this Court (R1 and R2) and the Bar Council of India, that based on the undertaking given by the Registrar General of this Court that the enquiry relating to the petitioner would be completed as soon as possible, he had withdrawn his writ petition in W.P.No.26261 of 2012 and accordingly, it was dismissed as withdrawn.

32. Under these circumstances, the Government of Tamil Nadu had issued a Notification No.15 of 2014, dated 26.8.2014 inviting applications through online mode upto 21.9.2014 for filling up 162 vacancies to the posts of Civil Judges in the Tamil Nadu State Judicial Service.

33. In the above background facts, the petitioner has approached this Court with this writ petition seeking the relief as afore stated.

34. In so far as this case is concerned, the following crucial question arise for our consideration.

"Whether the exemption given by the Bar Council of India in the case of the petitioner (K. Thaimanavar) to the rules of Bar Council of India, which decision the Council had taken in the extraordinary circumstances, as the petitioner had succeeded in Judicial Services Examination, would be having overriding effect on the condition prescribed by the Government of Tamil Nadu (R1) in Clause "B" I (ii)(a) of the Notification, dated 21/1/2012."

35. It would be worthwhile to note here that the Government of Tamil Nadu has prescribed a specific condition as one of the qualifications for being selected to the post of Civil Judge (Junior Division) in the Tamil Nadu State Judicial Service.

36. We take the risk of repetition that as per Clause "B" I (ii)(a) a candidate, who is aspiring to apply for the post of Civil Judge must be practising as an advocate or pleader in the High Court or Courts Subordinate thereto and must have so practised for not less than three years on the date of this Notification.

37. This is one of the most important conditions

apart from the educational qualifications prescribed by the Government of Tamil Nadu.

38. This fact is known to the petitioner and having accepted and agreed the conditions stipulated in the Government Notification, dated 21.1.2012, the petitioner had applied and appeared in the written examination as well as in the oral interview.

39. It is not in dispute that the petitioner had secured 20th rank after scoring 271 marks in aggregate. It is also not in dispute that the petitioner was aged about 27 years and got his law degree within a period of three years prior to the date of this Notification, i.e., on 1.7.2012.

40. In paragraph No.6 of his affidavit filed in support of this writ petition, he has stated that he had to satisfy the qualifications prescribed for a practising advocate, i.e., he should have put in three years experience at the Bar.

41. In this connection, he has stated that as on 1.7.2012 he had put in 3 years and 4 months experience at the Bar and that during this period, he was pursuing M.B.A. Degree Course and attending legal work in his father's Chamber, such as drafting plaints, giving legal opinions etc., to his father's clients. No doubt, he had enrolled as an advocate on 10.9.2008.

42. While advancing his arguments on behalf of the petitioner, Mr. N.G.R. Prasad has made reference to the letter of the Bar Council of India, dated 23.3.2013, which was filed along with the memorandum, dated 27.3.2013 in W.P.No.26261 of 2012 and submitted that there was no restriction for enrolled advocates to pursue M.B.A. Degree Course and that there was also no impediment for including the name of the petitioner in the list of appointees of Civil Judges in G.O.(4D) No.71, dated 10.9.2012.

43. Secondly, he has submitted that no specific reason was assigned either by the Government or by the Registrar General of this Court for not counting the petitioner's bar experience after his enrolment as an advocate on 10.9.2008 when he had been admittedly assisting his father in his legal practice.

44. Thirdly, he has submitted that the petitioner was having his professional experience of 3 years and 4 months at the Bar after his enrolment on 10.9.2008 and since he had not suspended his practice, the Government of Tamil Nadu

(R1) should have counted his experience and included his name in the G.O.(4D) No.71, dated 10.9.2012.

45. Fourthly, he would submit that the decision of the Administrative Committee, as it appear from the above communication, dated 8.10.2013 received from the Registrar (Administration)/Public Information Officer of this Court, not to include the petitioner's name was nothing but an act of arbitrariness, which was in gross violation of the rights guaranteed under Articles 14 and 16 of the Constitution of India.

46. He has also adverted to that when the period of studying LL.M. Degree Course by an Advocate could be counted as Bar experience for selection as a Civil Judge, why the period of studying M.B.A. Degree Course by the petitioner could not be counted as Bar experience for selection as a Civil Judge for which no reason was assigned therefor, which was unacceptable and against the principles of natural justice.

47. In support of his arguments, Mr. N.G.R. Prasad has placed reliance upon the decision of the Division Bench of the Bombay High Court in Percy Jal Pardiwall vs. The Bar Council of India and others (AIR 1987 Bombay 283).

48. We have gone through this decision with due care and caution and found that it is not made applicable to the case of the petitioner.

49. At the outset, we would like to say that the above cited decision is relating to the enrolment of an advocate in the Bar Council of Maharashtra.

50. In the above cited case, the petitioner was a student, who had passed his law examination. He had also passed his I.C.S.E. Examination in December 1977 securing 69% marks. The petitioner has passed his B.Com Examination in April 1982 with 62 per cent of the marks. As he intended to practice as a lawyer and specialise in taxation law he enrolled in the Chartered Accountant's course (commencing June 1982) conducted by the Institute of Chartered Accountants of India in September 1982, the petitioner enrolled in the Government Law College at Bombay. In April 1985 he passed his final LL.B. Examination with 63 per cent marks and obtained LL.B. Degree. He stood 5th in the University of Bombay in that examination. He passed his final Chartered Accountancy Examination in November 1985.

50a. At the time of filling in the form for admission to the Government Law College in September 1982 the petitioner had duly disclosed that he had already enrolled for the

chartered Accountants Course. In December 1985, the petitioner had submitted an application to the second respondent, viz., the Bar Council of Maharashtra, for enrolment as an advocate of the Bombay High Court. In that application the petitioner had duly disclosed that while prosecuting studies in law from July 1982 to July 1985, he had joined the Chartered Accountant's course and completed his articles for the period June 7, 1982 to June 7, 1985.

50b. In response to the petitioner's application the Secretary of the second respondent by his letter dated 17.1.1986 had informed the petitioner that having regard to the existing enrolment rules (i.e., R.1(1)(d)) the petitioner was not entitled to be enrolled as an Advocate. Subsequently the petitioner was given a cyclostyled circular by the second respondent in which interalia stated that having regard to the aforesaid rule which had been framed by the first respondent under S.7(h) and (i), S.24(1)(c)(iii) and S.49(1)(d) of the Advocates Act, 1961 applicants for enrolment as an Advocate were required to establish that they had obtained the degree in law without undergoing any other course of instructions simultaneously during the period of three years study of law.

51. The learned counsel appearing for the petitioner before the Division Bench of the Bombay High Court had contended that the impugned R.1(1)(d) was outside the rule making authority of the first respondent (Bar Council of India) and hence, bad in law and of no legal validity.

52. He has also submitted that the students were permitted to take up full time employment and study law at the same time and this was not regarded as a disqualification for obtaining enrolment as an advocate and therefore, it was utterly irrational and illegal to lay down such a disqualification against students who were undergoing any other course of instruction during their study for obtaining a law degree.

53. After considering the rival contentions, the Division Bench of the Bombay High Court has held that, " the restriction which has been imposed by Rule 1(1)(b) is so wide as to clearly cover within its scope even a course of instruction which might be so minor as not to interfere with the full time study of law or might even be such that it would help a student in his study of law. It is significant that the impugned rule, namely, R1(1)(d) does not debar a student who undertakes a regular job in his spare time from enrolling as an advocate. In view of this, the restriction imposed by R.1(1)(d) appears to be clearly excessive and unwarranted looking to the actual circumstance prevailing. The restriction imposed by the Bar Council of India by framing the impugned R.1(1)(d) is

clearly excessive and beyond the powers of the Bar Council of India (AIR 1981 Mad. 198).

54. On coming to the given case on hand, the facts and circumstances of the present case cannot be equated with the above cited decision, because in the petitioner's case, the Government had issued a Notification on 21.1.2012 inviting applications for appointment of 185 posts of Civil Judge in the Tamil Nadu State Judicial Service to be made by direct recruitment.

55. Clause '3' contemplates the Qualifications. Clause 3(A) speaks about the age as on 1.7.2012. Clause " B " speaks about the educational qualification of the aspiring candidates.

56. As stated in the earlier paragraph, as per Clause "B" I (ii)(a), a candidate must be practising as an advocate or Pleader in the High Court or Courts Subordinate thereto and must have so practised for not less than three years on the date of this Notification.

57. In this connection, Mrs.A.Srijayanthi, learned Special Government Pleader appearing for the first respondent has argued that on 30.7.2012 a complaint was received from the members of Coimbatore Bar Association alleging that the petitioner had furnished a Bar Experience certificate from the Coimbatore Bar Association. But during the said three years of practice he had joined M.B.A. regular course in Anna University of Technology, Coimbatore and had completed the Course without obtaining suspension certificate from the Bar Council of Tamil Nadu and Puducherry.

58. She has also argued that the petitioner had concealed the material facts in his application as well as the during the time of interview and on due verification, it was revealed that the petitioner had enrolled in Coimbatore Bar Association as an Advocate during the year 2008 and that the petitioner had also admitted that he had pursued M.B.A. Degree Course in Anna University of Technology, Periyanaikanpalayam, Coimbatore from 2008 to 2010 as regular course without suspending his practice. Therefore, she has urged that he had lost his eligibility despite securing 20th rank in the provisional selection list.

59. Mr.V. Ayyadurai, learned counsel appearing for the respondents 2 to 4 has also invited our attention to the communication, dated 8.10.2013 wherein the Public Information Officer of this Court, viz., Registrar (Administration) had communicated to the petitioner saying that the Hon'ble

Administrative Committee resolved that the petitioner's request could not be considered.

60. In support of his contention, Mr.V. Ayyadurai has also placed reliance upon the decision of the Apex Court in *Vijendra Kumar Verma vs. Public Service Commission, Uttrakhand and others* ((2011) 1 SCC 150).

61. In this case, for the appointment of Judges in Uttaranchal Judicial Service, basic computer knowledge was prescribed as an essential condition to be a Judge as per the Uttaranchal Judicial Service Rules, 2005.

62. In this connection, the Apex Court has held that , " the Indian Judiciary is taking steps to apply e-governance for efficient management of courts. In the near future, all the courts in the country will be computerised. In that respect, the new Judges who are being appointed are expected to have basic knowledge of the computer operation. It will be unfair to overlook basic knowledge of computer operation to be an essential condition for being a Judge in view of the recent development being adopted. Therefore, requirement of having basic knowledge of computer operation should not be diluted".

63. It appears from the above cited decision, the appellant therein had appeared for interview knowing fully about the selection criteria that too without any protest at any stage. Under these circumstances, it is held by the Apex Court that the petitioner could not turn back to state that the procedure adopted for selection was wrong and without jurisdiction.

64. It is apparent that the petitioner had enrolled as an advocate on the rolls of Bar Association of Tamil Nadu on 10.9.2008. He has also specifically admitted in paragraph No.4 of his affidavit that he did two years M.B.A. Degree Course in Banking & Insurance, Management, from Anna University of Technology, Coimbatore, during the above said period.

65. Even in the representation made by him to the Hon'ble Chief Justice of this Court, he has also admitted that he had Studied M.B.A. In Anna University of Technology, Coimbatore after enrolling as an advocate (Enrol. No.1994/2008) from 2008 to 2010.

66. As held by the Apex Court in the above cited decision, knowing the eligibility criteria fully well that the aspiring candidates must have practiced as an Advocate for not less than three years on the date of this Notification, now

the petitioner cannot take umbrage under the letter of the Bar Council of India, dated 23.3.2013 saying that the Rules of Bar Council of India are relaxed in case of the petitioner and the exemption to the rule is granted in his case. This exemption granted by the Bar Council of India does not have over-riding effect on the selection criteria notified by the Government of Tamil Nadu.

67. Further, based upon the factual matrix of this case, we would like to place it on record that the powers under Article 226 of the Constitution of India conferred a discretion of a most extensive nature on the High Courts. But the very vastness of the powers conferred on the High Court imposes on it the responsibility to use them with circumspection. Accordingly, the High Court will necessarily exercise the jurisdiction in accordance with judicial considerations and well-established principles. Any exercise of jurisdiction based on irrelevant or extraneous consideration shall be invalid.

68. Secondly, the power under Article 226 is the supervisory power. In the exercise of this power the High Court does not act as a Court of appeal. It only examines whether the challenged action is lawful.

69. Though this court is having extraordinary jurisdiction there shall be self restriction in exercising the jurisdiction. In the case of the petitioner herein the extraordinary jurisdiction conferred on this court under Article 226 cannot be exercised irrationally as this court has to examine whether the challenged action is lawful.

70. In our considered view, the challenged action, i.e., the order of the third respondent, viz., Assistant Public Information Officer (Registrar -Administration) bearing R.O.C.No.1697/2013/RTI, dated 8.10.2013 (Ex.B) read with the order of the Appellate Authority-RTI, (Registrar General)/Fourth Respondent bearing R.O.C.No.2840/2013/RTI, dated 6.11.2013 (Ex.A) is lawful and correct and well within the administrative functioning of this Court.

71. It is to be pointed out that though the petitioner secured good marks and came out successful both in the written examination and interview, for the selection that was held in the year 2012, he could not get through the examinations in the next selection held pursuant to the notification issued in August 2014. In the selection that was held pursuant to the notification dated 26.8.2014, the petitioner appeared, but did not secure the cut off marks for being invited even for the interview. Therefore, to declare him as eligible at this stage, in respect of the previous selection held in the year 2012, would be a travesty of justice. As a

matter of fact, he had withdrawn the previous writ petition in W.P.No.26261 of 2012 on 18.4.2014, without even a liberty and thereafter, participated in the selection notified on 26.8.2014 and failed to get the cut off marks.

72. Moreover, the petitioner has no explanation for the suppression of information in his application submitted for the selection held in 2012. Therefore, we are of the considered view that the writ petition does not deserve any merit and liable to be dismissed.

Accordingly, the writ petition is dismissed. However, there will be no order as to costs. Connected M.Ps. are also dismissed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rnrb

To

1. The Principal Secretary to Govt. of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Registrar General,
Madras High Court,
Chennai - 600 104.
3. Asst. Public Information Officer,
(Registrar-Administration),
High Court, Chennai.
4. Appellate Authority - RTI
(Registrar General)
Madras High Court,
Chennai - 600 104.
5. The Secretary,
Bar Council of India,
21, Rouse Avenue Institutional Area,
Delhi - 110 002.

6. The Chairman,
Tamil Nadu Public Service Commission,
Frazer Building Road,
Chennai - 600 003.

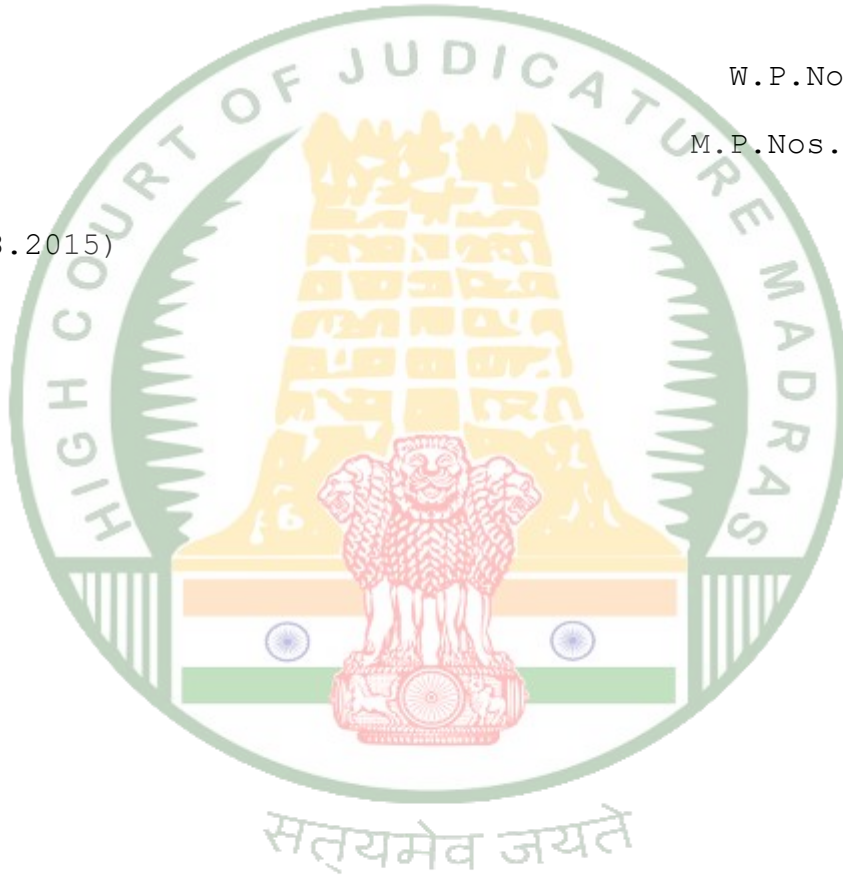
1 CC to M/s. Row & Reddy, Advocate SR.No. 39009

1 CC to Mr.S.R.Rajagopal, Advocate SR.No. 39163

1 CC to the Government Pleader, SR.No. 39424

W.P.No.17802 of 2015
and
M.P.Nos.1 to 3 of 2015

GJ (CO)
PSI (03.08.2015)



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