IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24164 of 2015
and M.P.No.1 of 2015

N.Kayal Vizhi ... Petitioner

Vs.

1. The Secretary,
   Tamil Nadu Public Service Commission,
   Chennai - 600 003
2. The Secretary to Government,
   P & AR Department,
   Fort St. George, Chennai - 600 009 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to relax the age limit up to 5 years for the petitioner to apply for Group-I Service Examination, pursuant to Notification No.9/2015, dated 10.07.2015.

For Petitioner :Mr. A.Paramasivam
For Respondents :Ms. C.N.G.Niraimathi,
Standing Counsel, for R-1,
Mr. S.Gunasekaran, Govt. Advocate, for R-2.

O R D E R

Admit. Ms. C.N.G.Niraimathi, learned Standing Counsel, takes notice for the first respondent and Mr. S.Gunasekaran, learned Government Advocate, takes notice for the second respondent. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that, she has passed tenth standard during April 1993 and completed Plus Two Course during March 1995, but she has not cleared all the papers in Plus Two. The petitioner joined the degree course of Bachelor of Computer Application (B.C.A.), through Open University System, without passing the Higher Secondary Examination, and passed the said degree during 2009. The petitioner applied for selection of Group-II course conducted by the first respondent herein (TNPSC) during the year 2011 and also passed the examination, but she was not permitted to attend the interview. Thereafter, the petitioner applied for Group-I examination and though she passed the preliminary examination, she was not issued with the

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hall-ticket for participation in the main examination, on the ground that she has not completed the degree course in 10+2+3 pattern, as per the Government Order.

3. The petitioner had subsequently passed the Higher Secondary Examination during March 2010 and submitted a representation, dated 15.07.2015, stating that she has got prescribed educational qualification and in the light of the ban order issued by the Government in G.O.Ms.No.107, Personnel and Administrative Reforms Department, dated 17.07.2006, the bar which precedented from participating in the examination, should be relaxed in her case. Since no disposal has been given to the said representation, the petitioner has come forward to file this writ petition.

4. This Court heard the submissions of Ms.C.N.G.Niraimathi, learned Standing Counsel for the first respondent, on the submissions made by the learned counsel for the petitioner.

5. The learned Standing Counsel for the first respondent would submit that, the scope of Section 54-B of the General Rules for Tamil Nadu State and Subordinate Services, came up for consideration in W.P.(MD) Nos.65 and 66 of 2013 and vide order, dated 19.01.2013, this Court has observed that the ban order was the one time affair and therefore, relaxation cannot be given. She would further submit that, in the light of the said judgment, the petitioner is not having any tenable legal claim and prays for dismissal of the writ petition.

6. This Court also heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the second respondent, on the submissions of the learned counsel for the petitioner and the first respondent.

7. Though the petitioner prayed for the larger relief, this Court, without going into the merits of the claim projected by the petitioner either in this petition or in the representation, directs the second respondent to consider the petitioner's representation, dated 15.07.2015, in accordance with law, and pass orders on it, within a period of eight weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

8. This writ petition is disposed of accordingly. No costs. Consequently, the connected MP is closed.

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Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To
1. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.

2. The Secretary to Government,
P & AR Department,
Fort St. George, Chennai - 600 009.

+1cc to the Government Pleader, S.R.No.40945

ALA(CO)
EU(20/08/2015)

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& M.P.No.1 of 2015

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