

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.4837 of 2015 and
M.P.No.1 of 2015

G.Elangovan

... Petitioner

Vs

1. The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai-3.
2. The Joint Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai-3.

.... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari and Mandamus, calling for the records of the 2nd respondent in Memorandum No.5927/PSD-E1/2014 dated 17.02.2015 and quash the same and direct the respondents to appoint the petitioner application No.470341130 to the post of Village Administrative Officer 2013-2014.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.M.Devendran

सत्यमेव जयते
O R D E R

The application submitted by the petitioner for appointment to the post of Village Administrative Officer was rejected on the ground that he has not paid the requisite examination fee.

2. The Tamil Nadu Public Service Commission (hereinafter referred to as Service Commission), issued a Notification dated 17.03.2014 calling for applications for appointment to the post of Village Administrative Officer by direct recruitment. The petitioner is an Ex-servicemen and he applied under the Ex-servicemen quota. According to the petitioner, he paid a total fee of Rs.186/- through Harur Post Office on 28.03.2014 and submitted the application. Since he has not paid Rs.125/- towards examination fee separately, the

Service Commission rejected his application. The said order is under challenge in this Writ Petition.

3. The learned counsel for the petitioner submitted that instead of paying Rs.125/-, the petitioner has paid a total fee of Rs.186/- and as such, the Service Commission was not correct in rejecting the application on the ground of non payment of examination fee.

4. The learned Standing Counsel for the Service Commission by placing reliance on the counter affidavit submitted that, though it is true that the petitioner has paid a sum of Rs.186/-, the said fact was informed to the Service Commission only after filing apology affidavit by the petitioner to the effect that he has not paid Rs.125/- in lump sum. According to the learned counsel, the Notification issued by the Service Commission very clearly stated that the candidate should pay Examination Fee of Rs.125/-. The learned Standing Counsel justified the impugned order on the ground that Rs.125/- was not paid in lumpsum separately.

5. There is no dispute that the petitioner was expected to pay a sum of Rs.125/- towards examination fee. The counter affidavit filed by the Service Commission, more particularly, Paragraph No.3 very clearly shows that the petitioner has paid Rs.62/- three times, meaning thereby, he has paid a total sum of Rs.186/-. It is also not in dispute that the said payment was made along with the application. In fact, the Service Commission fairly conceded the said fact. Such being the factual position, it cannot be said that the petitioner has not paid Rs.125/- towards examination fee. In fact, the petitioner has paid excess fee, much more than the actual fee payable for writing the examination. I am therefore of the view that the Service Commission was not correct in rejecting the application submitted by the petitioner for want of required examination fee. In view of the above finding, the impugned order dated 17.02.2015 is set aside.

6. The petitioner has already appeared for the written examination. It was only during the process of certificate verification, the first respondent passed the impugned order. Therefore, I am of the view that further action should be taken by the respondents to consider the application submitted by the petitioner for appointment, taking into account, the results of the entrance examination.

7. The first respondent is directed to take follow up action, pursuant to the application submitted by the petitioner treating it as a valid application. The selection process should be completed as expeditiously as possible and in any case, within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is allowed to the extent indicated above.
No costs. Consequently, connected miscellaneous petition is closed.

svki/gya

-s/d-

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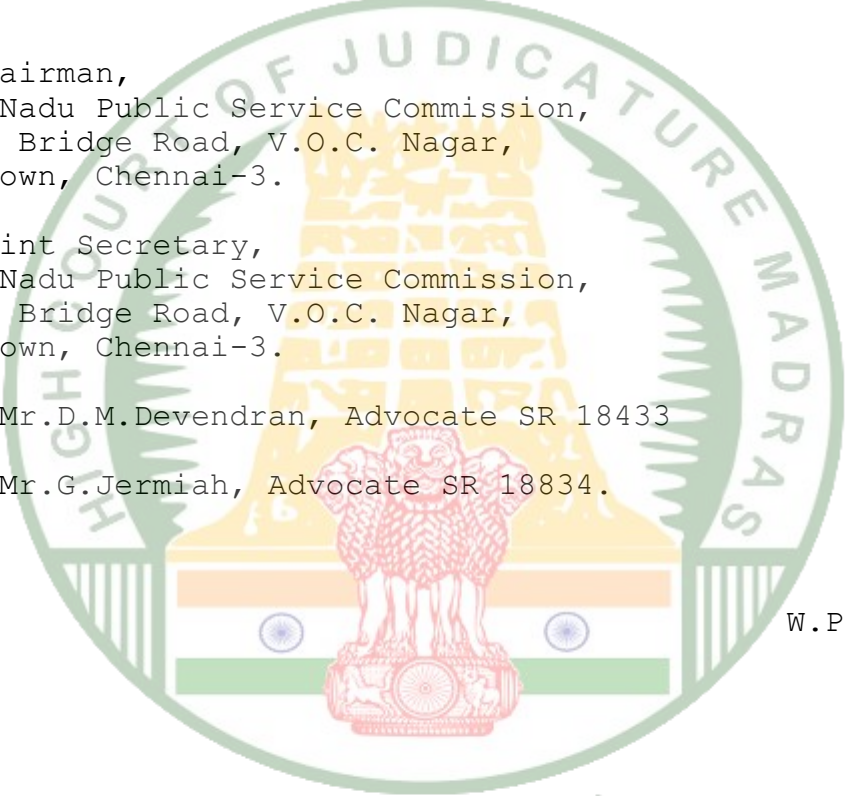
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Park Town, Chennai-3.

+ 1 cc to Mr.D.M.Devendran, Advocate SR 18433

+ 1 cc to Mr.G.Jermiah, Advocate SR 18834.

sai(co)
prk21/4

W.P.No.4837 of 2015



सत्यमेव जयते

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