

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NOS.768, 845 AND 5115 OF 2015
AND
CONNECTED MISCELLANEOUS PETITIONS

W.P.NO.768 / 2015

M.Vijay Keerti

...Petitioner

Versus

1. The Tamil Nadu Public Service Commission
Represented by its Secretary
Frazer Bridge Road,
Chennai - 600 003.
2. The Controller of Examinations
Tamil Nadu Public Service Commission
Frazer Bridge Road,
Chennai - 600 003.

...Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the orders in Memo No.2383/QD-G3/2007, dated 30.01.2015 of the second respondent to quash the same and direct the respondents herein to publish the key answers, answer responses and marks obtained by the petitioner and to conduct the oral test (interview) for appointment to the post of Assistant Engineer (Industries) for the petitioner and to pass appropriate orders regarding his selection / appointment to the post of Assistant Engineer (Industries) in the Tamil Nadu Industries Subordinate Service in pursuance to their notification No.07/2013 dated 28.03.2013 and to consider the candidature of the petitioner on the

basis of his actual merits and performance, in accordance with the Rule of Reservation and to pass appropriate orders regarding his selection / appointment to the post of Assistant Engineer (Industries) in the Tamil Nadu Industries Subordinate Service.

(Prayer amended as per order dated 26.02.2015 in M.P.No.3 of 2015 in W.P.No.768 of 2015)

For Petitioner : Mr.M.Ravi

For Respondents : Mr.N.S.Nandakumar

W.P.NO.845 / 2015

P.Thamilarasi

...Petitioner

Versus

1. The Controller of Examinations
Tamil Nadu Public Service Commission
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

2. The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

...Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned amended select list dated 31.12.2014 published by the 1st respondent for the post of Assistant Engineer (Industries), in the Tamilnadu Industries Subordinate Service, quash the same and consequently direct the respondents to proceed with the selection process in pursuance to the select list dated 16.09.2014 in pursuance to the written examination conducted on 09.06.2013.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.N.S.Nandakumar

W.P.NO.5115 / 2015

P.Thamilarasi

...Petitioner

Versus

1. The Controller of Examinations

Tamil Nadu Public Service Commission
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

2. The Secretary

Tamil Nadu Public Service Commission
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

...Respondents

PRAYER: Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order made in Memorandum No.2383/QD-G3/2007 dated 30.01.2015 passed by the 1st respondent, quash the same and consequently direct the respondents to select the petitioner for the post of Assistant Engineer (Industries) in pursuance to the select list dated 16.09.2014.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.N.S.Nandakumar

COMMON ORDER

The matter relates to recruitment of Assistant Engineer (Industries) in the Tamil Nadu Industries Subordinate Service. The recruitment consists of written test and interview (oral test).

2.The grievance of the petitioners is that their marks in the written test were not published and the marks obtained by the successful candidates, who were called to appear for interview alone

were published. In fact, after the written examination was over, the Tamil Nadu Public Service Commissioner published a notification dated 16.09.2014 calling to appear for certificate verification to find out their eligibility to admit them to the interview. The register number of the petitioners were found in the said notification. But the marks of the candidates, who were directed to appear for certificate verification as per the notification dated 16.09.2014 were not published. However, certificate verification did not takes place.

3.Subsequently, another notification dated 31.12.2014 containing register number of 82 candidates was issued calling them to appear for interview. However, the register number of the petitioners did not find place in the said notification dated 31.12.2014. Even at that stage, the marks of those candidates numbering 82 were not published. After interview, selection list was published containing the names of 80 out of 82 candidates, who attended the interview. Only at that stage, the marks of those 80 selected candidates were published on 24.02.2015.

4.In the meanwhile, the petitioners have filed these writ petitions as there is a lack of transparency in the recruitment to the post of Assistant Engineer (Industries).

5.When the matter came up for hearing on 27.04.2015, this Court passed the following order:

"The matter relates to recruitment of Assistant Engineer (Industries) in the Tamil Nadu Industries Subordinate Service.

2.The recruitment is based on both written test and interview.

3.After the written test is over, the Tamil Nadu Public Service Commission (TNPSC) is said to have not published the marks obtained in the written test. I am of the view, that transparency in the recruitment requires that as soon as the written test is over the marks shall be published. It is unfortunate that TNPSC has not chosen to publish the marks obtained by all candidates in the written test. When TNPSC is publishing the marks in the case of Group IV examinations, wherein very large number of candidates write the examinations, the TNPSC has not chosen to publish the marks obtained in this case, wherein only

a small number of candidates wrote the examination.

4. Based on the marks obtained in the written test, shortlisting could be done for the purpose of oral test. The shortlisting could be done as per the rules. It is for the TNPSC to call for number of candidates in each category as per the rules based on the shortlisted candidates. At that time of shortlisting, there is no necessity for certificate verification. If certificate verification is done before conducting oral interview it would lead to suspicion in the minds of the competing candidates. Some manipulation would take place so as to include some persons in the list and in that process some meritorious candidate could get excluded.

5. Here again TNPSC surprisingly adopted a procedure of verifying the certificates before the oral test. I am of the view, the same is not necessary at that stage.

6. In substance, I like to state that TNPSC shall publish the marks obtained by the persons in the written test before conducting the oral test. Secondly, TNPSC shall not call for certificate verification before conducting oral test for the purpose of shortlisting of candidates.

7. In view of the non-publication of marks and in view of calling for certificate verification, doubt has arisen in the mind of the petitioners and the petitioners are before this court questioning the selection process.

8. In this case, a notification dated 16.09.2014, was issued containing the list of candidates who were directed to appear for certificate verification to find out their eligibility to admit them to oral test. A person is eligible to get admitted in oral test, not based on the certificate verification but based on the marks obtained in the written test. Hence, the certificate verification at that stage is not necessary.

9. After certificate verification, the TNPSC issued another list of persons, who are asked to come for oral test, in their notification dated 31.12.2014. This has caused suspicion in the minds of the petitioners.

10. The petitioners are found in the earlier list dated 16.09.2014, but not found in the list dated 31.12.2014. Hence, I am of the view that TNPSC shall produce the marks obtained by the persons who are shown in the list dated 16.09.2014 as well as 31.12.2014 in category wise.

11. Post on 29.04.2015 immediately after admission."

6. Pursuant to the same, today, the learned Standing Counsel for the Tamil Nadu Public Service Commission produced the marks of the candidates, who were called for certificate verification in the notification dated 16.09.2014, as the petitioners names are found place in the said notification. The learned Standing Counsel also has furnished the marks obtained in the written examination relating to the candidates who are found place in the subsequent notification dated 31.12.2014.

7. The learned counsel for the petitioners have gone through the marks obtained in the written test and have said that all the candidates, who were called to appear for interview secured more marks in the written examination.

8. In these circumstances, the writ petitions fails. However, I am inclined to record the dissatisfaction of this Court about the methodology adopted by the Tamil Nadu Public Service Commission in the recruitment. While the Tamil Nadu Public Service Commission, as noted in the above said order dated 27.04.2015 of this Court, has chosen to publish the marks of the candidates, who appeared for written examination in Group - IV services, wherein the candidates are large in number, it is surprising that the marks of the candidates, who appeared in the recruitment to the post of Assistant Engineer (Industries) is not published. In my view, before issuing notification calling candidates to appear for interview based on the marks secured in the written examination, the Tamil Nadu Public Service Commission shall publish the marks of all the candidates, who appeared for the written examination in respect of

all the recruitments. Then, it will ensure transparency in the method of recruitment and the candidates could not rush to this Court knocking the doors of this Court. Likewise, the Tamil Nadu Public Service Commission need not seek to verify certificates before conducting interview. At the time of selection, the Tamil Nadu Public Service Commission has to look into the certificates. Before the same, certificate verification is not necessary. As far as the ratio of calling the candidates is concerned, it is left open to the Tamil Nadu Public Service Commission to decide as per the Rules. The Tamil Nadu Public Service Commission is directed now to publish the marks of all the candidates, who appeared for written examination for recruitment to the post of Assistant Engineer (Industries) immediately without any delay.

9. The writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Controller of Examinations
Tamil Nadu Public Service Commission
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

2. The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road,
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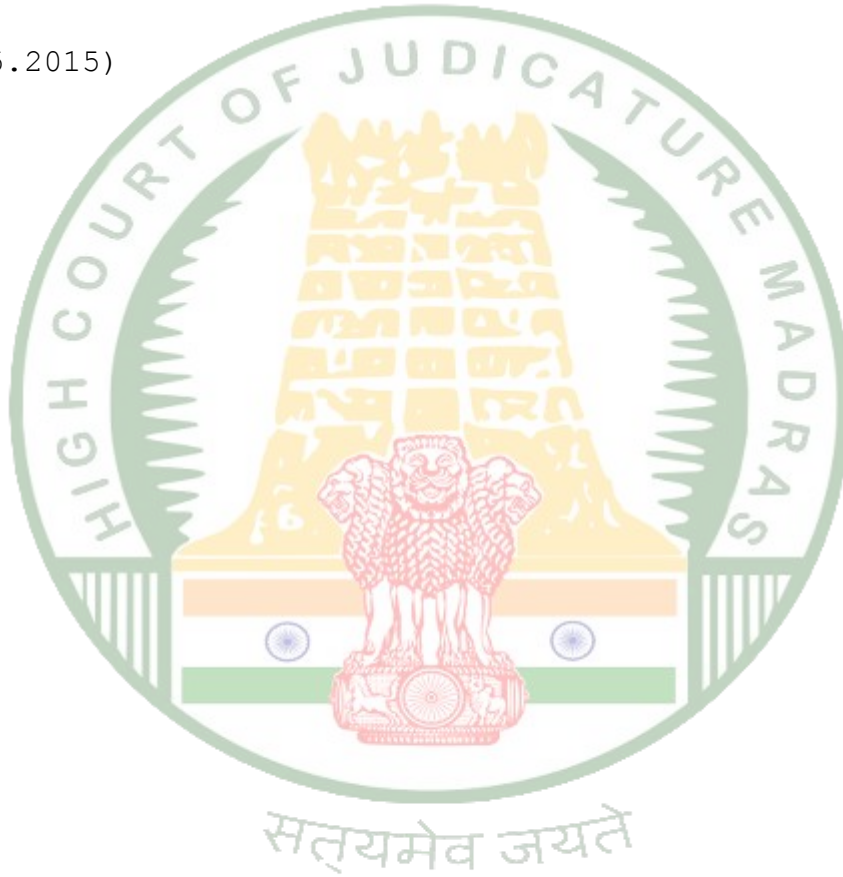
3 CCs to M/s.N.S.Nandakumar, Advocate SR.No. 23953

1 CC to M/s.M.Ravi, Advocate SR.No. 24401

2 CCs to M/s. N.Manokaran, Advocate SR.No. 24075 & 24073

W.P.NOS.768, 845 AND 5115 OF 2015

MP (CO)
PSI (11.05.2015)



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