

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.9208 of 2013 &
M.P.No.1 of 2013

C.Panner Selvam

.. Petitioner

Vs

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Park Town, Chennai - 600 003.

... Respondent

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the respondent Service Commission to conduct Oral Test (Interview) for the petitioner, by confirming the selection of the petitioner on merit under the Reservation of Persons Studied in Tamil Medium for the interview-Posts included in the Combined Subordinate Services Examination - 1-2009-2011, notified in Advertisement No.258 dated 30.12.2010, on considering the 232.50 marks scored by the petitioner in consonance with the Cut-Off marks for the Most Backward Class (General) Tamil Medium, in order to initiate further selection process and consequently to select and appoint the petitioner in an appropriate Interview-Post in the Combined Subordinate Services Examination - 1-2009-2011, on merit with due seniority and all service benefits.

For Petitioner : Mr.P.K.Rajesh Praveen Kumar
For Respondent : Mr.M.Loganathan

O R D E R

This Writ Petition has been filed to direct the respondent Service Commission to conduct Oral Test (Interview) for the petitioner, by confirming his selection on merit under the reservation of Persons Studied in Tamil Medium for the interview-Posts included in the Combined Subordinate Services Examination, on considering the marks scored by the petitioner in consonance with the Cut-Off marks for the Most Backward Class (General) Tamil Medium, in order to initiate further selection process and consequently to select and appoint the petitioner in an appropriate Interview-Post on merit with due seniority and all service benefits.

2. The petitioner belong to Most Backward Class (MBC) community. The petitioner has passed M.Com in Tamil medium. He has applied for Group II examination in the year 2009-2011. In the said examination, the petitioner had scored 232.50 marks and his order in rank is 5421. The petitioner is eligible for 20% reservation for "Persons Studied in Tamil Medium" (PSTM) in recruitment to Government Services. Even though, the petitioner has clearly stated that he had passed his M.Com degree in Tamil medium, his case was not considered by the respondent and he was not selected for the interview for interview post in the Group-II examination 2009-2011 by considering the marks scored by the petitioner. Relying on the judgment of the Division Bench of this Court reported in 2006 (3) CTC 449 [Dr.M.Vennila Vs. Tamilnadu Public Service Commission], the learned counsel for the petitioner would submit that a direction may kindly be issued to the respondent to select and appoint the petitioner in the interview post in the Group-II examination 2009-2011.

3. The learned counsel for the respondent filed a detailed counter categorically stating that a direction was given to the candidates who claim reservation regarding PSTM (Persons Studied in Tamil Medium) that they should enclose evidence in support of their claim and it is statutory and mandatory and the application submitted without evidence will not be considered for the above said (PSTM) reservation. He also relied upon the unreported judgment of this Court passed in W.P.No.7855 of 2013 dated 28.2.2014 [L.Udhayakumar Vs. State of Tamil Nadu Represented by its Secretary to Government and another, wherein the non production of PSTM has also been considered and it has been rejected by this Court. The learned counsel for the respondent would further submit that the petitioner has already been appointed for non-interview post. Therefore, the contentions of the petitioner cannot be accepted and this Writ Petition is liable to be dismissed.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. Today, as per the earlier direction of this Court, the respondent has produced original file relating to the application form submitted by the petitioner and the original application along with the documents have also been produced. It is seen that the petitioner has not enclosed any evidence in support of his claim for PSTM reservation. Further, it has also been submitted by the learned counsel for the respondent that the petitioner has been appointed in the non-interview post.

6. In view of the submissions of the learned counsel for the respondent, I do not find any reason to interfere with the order of the respondent and accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

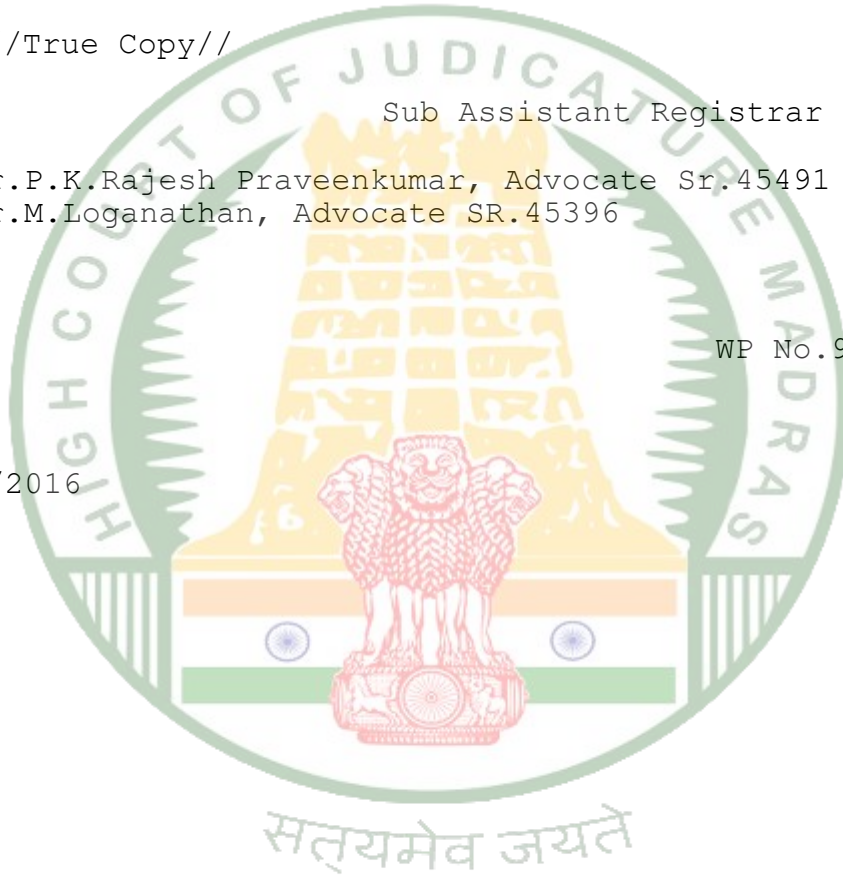
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Sub Assistant Registrar

+1cc to Mr.P.K.Rajesh Praveenkumar, Advocate Sr.45491
+1cc to Mr.M.Loganathan, Advocate SR.45396

WP No.9208 of 2013

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