

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 7/12/2016

C O R A M

The Honourable Mr.Justice S.Manikumar
and
The Honourable Mr.Justice M.Govindaraj

Writ Appeal No.1380 of 2012
and
MP 1 of 2012

K.K.Bhuvaneswaran ... Appellant/Petitioner

Vs

1. The Government of Tamil Nadu
rep. By its Secretary to Government
Personnel & Administrative Reforms Department
Fort St. George
Chennai 600 009.
2. The Secretary
Tamil Nadu Public Service Commission
Greams Road
Chennai 600 006. Respondents/ Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P.No.23714 of 2010 dated 13/2/2012.Writ petition filed under Article 226 of the constitution of India, praying for a writ of mandamus to directing the 2nd respondent to select the petitioner for appointment for the post of Motor Vehicles Inspector Grade II in the Tamilnadu Transport Subordinate Service 2006-2008 for which Oral Test was held on 7.10.2010 in which the petitioners marks were withheld after successful completion of written test and oral test

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For appellant ... Mr.R.Arumugam

For respondents ... Mr.TM. Pappaian
Special Government Pleader
for R.1

Dr.M.Devendhiran

for R.2.

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J U D G M E N T

(Judgment of the Court was delivered by S.Manikumar,J)

Challenge in this appeal is to an order, made in W.P.No.23714 of 2010, dated 13/2/2012, by which, having found that the appellant had obtained only 240 marks, as against the minimum marks, for selection, to the post of Motor vehicles Inspector Grade - II in Tamil Nadu Motor Transport Subordinate Services 2006 - 08 and not within the zone of consideration, dismissed the writ petition.

2. When the matter came up on 13/2/2012, Mr.R.Arumugam, learned counsel for the appellant submitted that by accepting the information furnished by the Tamil Nadu Public Services Commission in a piece of paper, writ petition was dismissed, without adverting to the other grounds made in the writ petition.

3. In order to ascertain the marks secured, we directed Mr.M.Devendhiran, learned counsel for the Tamil Nadu Public Services Commission, to secure the records.

4. We have perused the records produced and find that the appellant has secured 240 marks and placed at S.No.37 in the list. On the basis of the Memorandum No.424/OTD-B4/2008, dated 28/4/2015, by the Under Secretary, Tamil Nadu Public Service Commission, further submission has been made by Mr.M.Devendran, learned counsel for Tamil Nadu Public Service Commission that the last BC (OBCM) candidate selected under BC (OBCM) General vacancy has obtained 253.50 marks i.e., cut off marks for BC (OBCM) (G). In as much as the appellant has not secured even the minimum marks, to fall within the zone of consideration, he has not made out any case for warranting interference, even on other grounds.

5. Accordingly, this writ appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

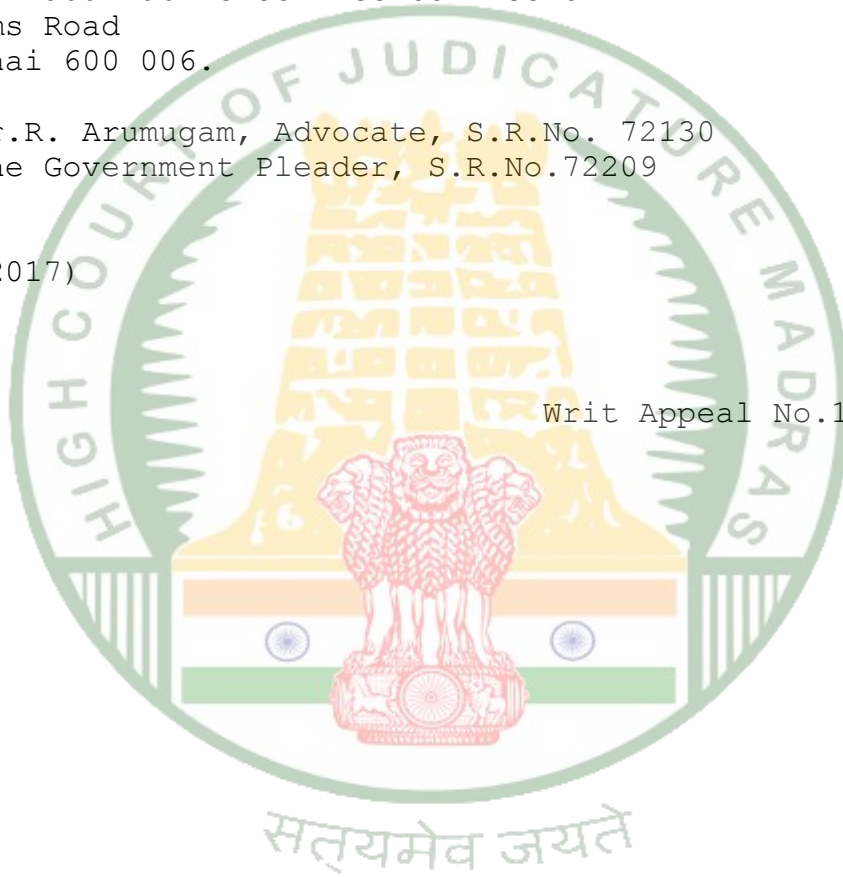
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+1cc to Mr.R. Arumugam, Advocate, S.R.No. 72130
+1cc to the Government Pleader, S.R.No.72209

(CO)RJ
RS(03/01/2017)

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