

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.23648 of 2016 and
WMP.No.20250 of 2016

N.S.Saravanan ...Petitioner

Vs.

- 1 Registrar General
High Court of Madras
Chennai-1
- 2 The Principal District and Session Judge
Principal District Court
Cuddalore
- 3 Tamilnadu Public Service Commission
Rep by its Chairman
Frazer Bridge Road
V.O.C. Nagar
Park Town, Chennai-3
- 4 V.Prathiba
- 5 K.Arul Mani
- 6 T.Thiruchendur Murugan
- 7 R.Meenachi
- 8 G.Jothi ...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Declaration to declare the selection of the respondents 4 to 8 for the post of Senior bailiff as void ab-initio as the same is against the judgment of the Honourable Supreme court reported in 2014 (1) LLN- 545 (SC) and consequently direct the 3rd respondent to conduct the selection of Senior Bailiff by way written examination as the Judicial Ministerial Service comes under the TNPSC and the said post is a non interview post.

For Petitioner : Mr.D.Muthukumar
For Respondents : Mr.C.T.Mohan for R1 & R2

ORDER

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard the elaborate arguments of the learned counsel appearing for the petitioner at the stage of admission itself. Considering the nature of order passed herein, notice to Respondents 3 to 8 is dispensed with.

2. The petitioner, being aggrieved by the non-selection to the post of senior bailiff in the selection process conducted by the 2nd respondent, is before this court, on the ground that entire selection process carried out by the 2nd respondent was by without following the procedure.

3. The contention of the learned counsel for the petitioner is that TNPSC ought to have conducted written examination for filling up the posts coming under Group-C category, however, the 2nd respondent-The Principal District and Sessions Judge, Cuddalore, conducted interview on 11.06.2016 to assess the candidates.

4. The petitioner in this case is stated to have completed Diploma in Automobile Engineering and also possess M.B.A., Degree from Annamalai University. Further, it is stated by the petitioner that the entire interview is an empty formality. By referring to a decision of the Hon'ble Supreme Court in Ajay Hasia case reported in AIR 1981 SC-487, it is stated that allotting more than 15% marks for interview is illegal.

5. In the counter filed by the 2nd respondent, it is stated that the petitioner had knowledge about the method of selection process and without challenging the impugned notification, participated in the selection process. It is also stated that the selection was made after due publication in news papers and the selection process was done meticulously. It is also stated that opportunity for equal participation was afforded and the petitioner also participated in the interview without challenging the notification at an earlier point of time and hence, the prayer sought by the petitioner cannot be sustained.

6. The 2nd respondent has made it clear in their counter that as per Rule 6(c) and Section 10 of Tamil Nadu Judicial Ministerial Service, recruitment has been carried on for the post of Senior Bailiff and respondents 4 to 8 were selected in the selection process in accordance to their rank and the roster

and there is no violation of Article 16 of the Constitution of India.

7. After going through the averments made in the Writ Petition and the counter affidavit filed by the 2nd respondent, it is crystal clear that the stand taken by the petitioner is far beyond imagination and the entire selection process has been carried out as per the Rules. Further, when the petitioner has not challenged or questioned the notification at an earlier stage, now, cannot question the selection process simply because he was not selected for the post of Senior Bailiff. Having accepted the conditions stipulated in the notification, the petitioner applied and participated in the selection process and after having failed in his attempt, now trying to ventilate his grievance and questioning the entire selection process, is totally unsustainable.

8. For the reasons stated above, this court is not inclined to entertain the contentions raised in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected WMP is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

nvsri

To

- 1 Registrar General
High Court of Madras
Chennai-1
- 2 The Principal District and Session Judge
Principal District Court
Cuddalore

+1 CC to Mr. D. Muthukumar, Advocate Sr.No.51766

W.P.No.23648 of 2016

SKV (CO)

MD : 07/10/2016