

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23824 of 2016

L.Rajasekar

... petitioner

Vs

1 The Chairman
Tamilnadu Public Service Commission V.O.C.
Nagar Park Town Chennai-600 003.

2 The Secretary
Tamilnadu Public Service Commission V.O.C.
Nagar Park Town
Chennai-600 003.

... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to make necessary changes in the registration of Online application of the TNPSC official site by considering the petitioners representation dated 13.06.2016.

For petitioner ... Mr.D.Gopal

For respondents ... Ms.C.N.G.Niraimathi

O R D E R

Heard Thiru.D.Gopal, learned counsel for the petitioner and Ms.C.N.G.Niraimathi, learned counsel for the respondents.

2. With the consent of both the sides, the Writ Petition is taken up for disposal.

3. The petitioner has done his 10th, 12th and Degree in Tamil Medium. At present, he is preparing for the Tamil Nadu Public Service Commission Group I and Group II Examinations. The petitioner has filed this Writ Petition praying for a direction upon TNPSC to make necessary changes in the Online application form of Tamil Nadu Public Service Commission Official website, by considering his representation dated 13.6.2016.

4. The petitioner would contend that in the application form, one of the queries in page 1, under the heading, "Certificate details", is "Are you a Government employee". If the answer to the question is "yes", then the applicant is

required to fill up other details such as name of Department, date of joining in service etc. In page 3 of the application form, one of the question asked is "medium of instruction" and there is a drop box against that question which gives various options. The petitioner would state that once the candidate selects the option that he is a Government employee, the instructions to Persons Studied in Tamil Medium (PSTM) Candidates should automatically to be blocked. This, according to the petitioner, would prevent misuse of this category, more so, in the light of the Government Order in G.O.Ms.No.145 dated 30.9.2010, and the decision of the Hon'ble First Bench, this Court in P.Chellapandi vs. Tamil Nadu Uniformed Services Recruitment Board, by its Member Secretary and two others, dated 28.1.2016, wherein the Hon'ble Division Bench has considered the preferential benefit granted to PSTM candidates and held as hereunder:-

3. The aforesaid preferential benefit is sought to be denied to these petitioners on the ground that they are departmental candidates. All such analysis is based on the definition contained in clause 2(a). As the petitioners are not seeking fresh appointment in service and are already in Government service, they are not given such benefit. Thus, they do not fall within the relevant category and are disentitled on the ground of absence of two point reservation - both as departmental candidates over five years of service and having studied in Tamil at school level.

5. In the light of the above, there will be a direction to the second respondent to consider the petitioner's representation dated 13.6.2016 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. If any of the opinions suggested by the petitioner merit acceptance, then the second respondent may place the matter before the Commission and appropriate action may be taken. It is seen from the representation that the petitioner has pointed out other issues, which can also be considered along with the main issue.

6. The Writ Petition is disposed of as indicated above. No costs.

Sd/-
Assistant Registrar(CS II)

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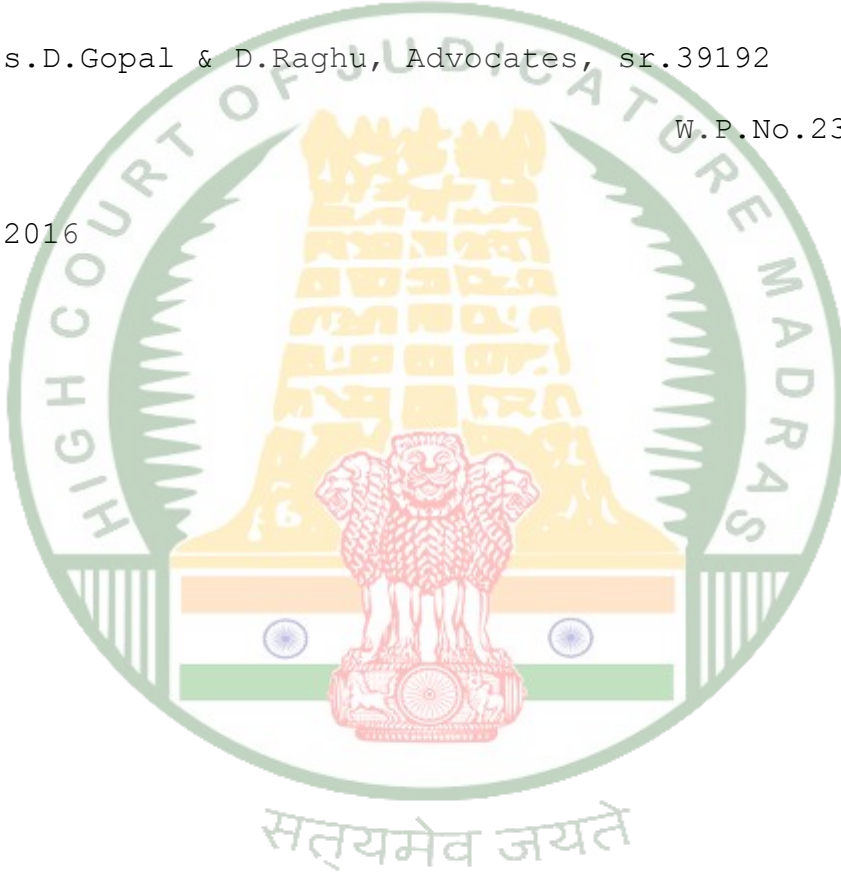
1 The Chairman
Tamilnadu Public Service Commission V.O.C.
Nagar Park Town Chennai-600 003.

2 The Secretary
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Nagar Park Town Chennai-600 003.

1 cc to M/s.D.Gopal & D.Raghu, Advocates, sr.39192

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