

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2016

CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.3792 of 2016
and
WMP.No.3144 of 2016

J.Raja

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Public Service Commission,
Fraser Bridge Road,
Park Town,
Chennai-600 003.
2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Fraser Bridge Road,
Park Town,
Chennai-600 003.
3. The Deputy Secretary,
Tamil Nadu Public Service Commission,
Fraser Bridge Road,
Park Town,
Chennai-600 003.

... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records on the file of the third respondent in connection with the order No.5258/DTD-D2/2015 dated 11.12.2015 which was signed on 22.12.2015 and quash the same as illegal, arbitrary and against the principles of natural justice and consequently, direct the respondents to publish the results for the examinations held in the month of May 2015.

For Petitioner : Mr.A.S.Thambuswamy

O R D E R

This writ petition has been filed by the petitioner challenging the impugned proceedings dated 11.12.2015, in and by which, the petitioner was debarred from writing six examinations to be conducted by the Tamil Nadu Public Service

Commission for three years on the ground that the impugned communication is arbitrary and violating the principles of natural justice.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner would submit that the third respondent has come to the wrong conclusion that the petitioner has committed malpractices and indiscipline while writing the examination on 27.05.2015 and as a result, he was debarred from appearing from the Departmental Examinations for three years. The learned counsel further submitted that as the order was passed without affording an opportunity to the petitioner, the same is liable to be set aside.

4. This Court does not find any merit in any of the contentions made by the learned counsel for the petitioner in view of the fact that in the explanation offered by the petitioner on 12.10.2015 to the show cause notice issued by the third respondent dated 06.10.2015, the petitioner has stated that in respect of the Departmental Examination viz., Survey Department Test-Head Surveyors and Sub Assistants Test-Paper II (without books) conducted on 27.05.2015, since there was a delay in attending the examination, by mistake, the petitioner had taken the books along with him and in future, he would not indulge in such activities and would abide by the rules and regulations of the Board and further, he had requested to publish his result for the aforesaid examination; not to debar him from writing any examination and also allow him to write the examination. Hence, the Writ Petition fails and stands dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

DP

To

1. The Chairman,
Tamil Nadu Public Service Commission,
Fraser Bridge Road,
Park Town,
Chennai-600 003.

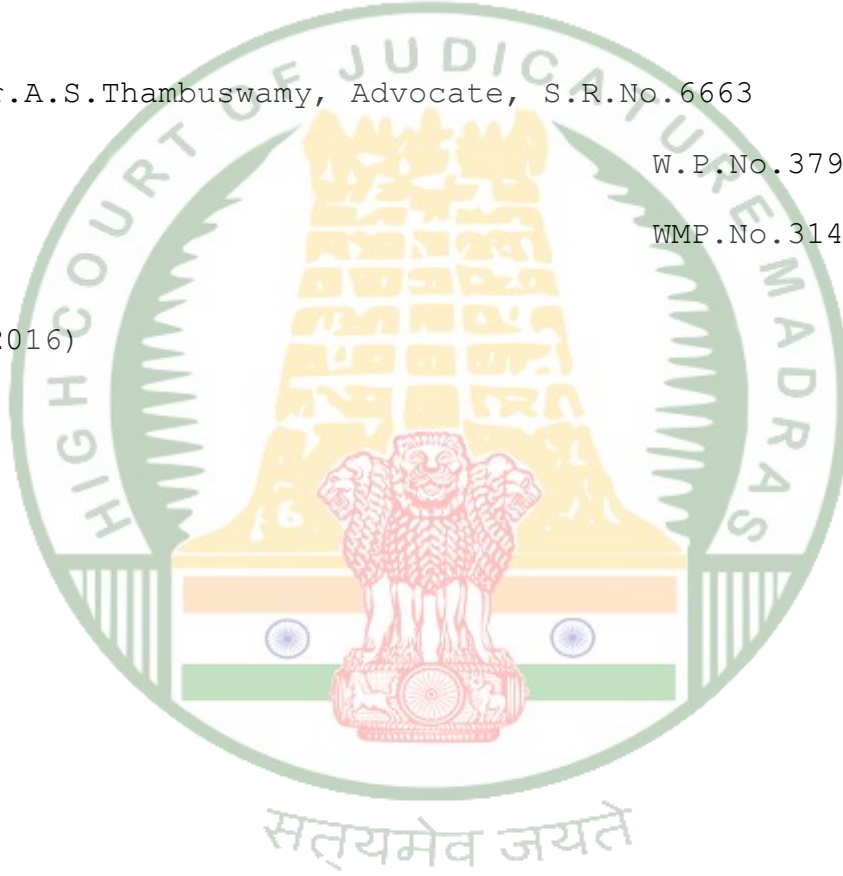
2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Fraser Bridge Road,
Park Town,
Chennai-600 003.

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

+1cc to Mr.A.S.Thambuswamy, Advocate, S.R.No.6663

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RSI (CO)
CA(16/02/2016)



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