

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.38477 of 2016

WMP.No.32954 of 2016

N.Vijayachandran

.. Petitioner

vs.

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

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to forward the name of the petitioner (Reg.No.00113247) along with particulars to Rural Development and Panchayat Raj Department for appointment to the post of Assistant Engineer, based on select list dated 12.08.2014 issued in pursuant to Combined Engineering Services Examination 2009-2013.

For Petitioner : Mr.G.Sankaran

For Respondents : Ms.C.N.G.Niraimathi

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondent to forward the name of the petitioner (Reg.No.00113247) along with particulars to Rural Development and Panchayat Raj Department for appointment to the post of Assistant Engineer, based on select list dated 12.08.2014 issued in pursuant to Combined Engineering Services Examination 2009-2013.

2. The petitioner is hailing from a poor family and belong to Scheduled Caste Community and he is qualified with B.E., (Civil Engineering), aspiring for suitable employment based on his educational qualification. The respondent has issued notification for direct recruitment to the post included in the

Combined Engineering Services Examination 2009-10, 2012-2013. Since the petitioner was qualified, he applied for the said post. As per the notification, method of selection involves written examination and certificate verification followed by oral test. The petitioner participated in the written examination conducted on 02.03.2013. Subsequently, the petitioner was issued with a call letter to attend oral test and certificate verification as per Memorandum dated 11.07.2014 and participated in the certificate verification conducted on 24.07.2014. The respondent TNPSC has published the marks both for written test and oral test as per which he has secured 374 marks with Reg.No.00113247. The petitioner would further submit that 3% belong to Scheduled Caste Category have been allotted to Rural Development and Panchayat Raj Department as per Select List published on 12.08.2014. Accordingly, one Thiru.Premkumar, petitioner herein and Thiru.Sudhakar belonging to SC Category have been selected to the post of Assistant Engineer in Rural Development & Panchayat Raj Department. While so, to his shock and surprise, he was issued with a communication dated 10.10.2014 by the respondent/TNPSC stating that in pursuant to the interim orders dated 08.09.2014 made in W.P.(MD).No.11549, 11550 of 2014, his name and other particulars are not forwarded to the appointing authority. Hence, the petitioner has come forward with this writ petition.

3. When the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that one Thiru.Premkumar who was already appointed to Rural Development Department was shifted to Public Works Department and in the said circumstances, the first vacancy to the post of Assistant Engineer in Rural Development Department has become vacant, in which he can be considered in as much as there are two other posts have been withheld based on the orders passed by this Court.

4. Heard Ms.C.N.G.Niraimathi, learned Standing Counsel appearing for the respondent and also perused the entire materials available on record.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances, directs the respondent to forward the name of the petitioner along with particulars to Rural Development and Panchayat Raj Department for appointment to the post of Assistant Engineer in the existing vacancy of Thiru.Premkumar, who was already appointed to Rural Development Department and shifted to Public Works Department and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this order is being passed subject to the

result of the writ petitions in W.P.(MD).Nos.11549 to 11540 of 2014.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jvm

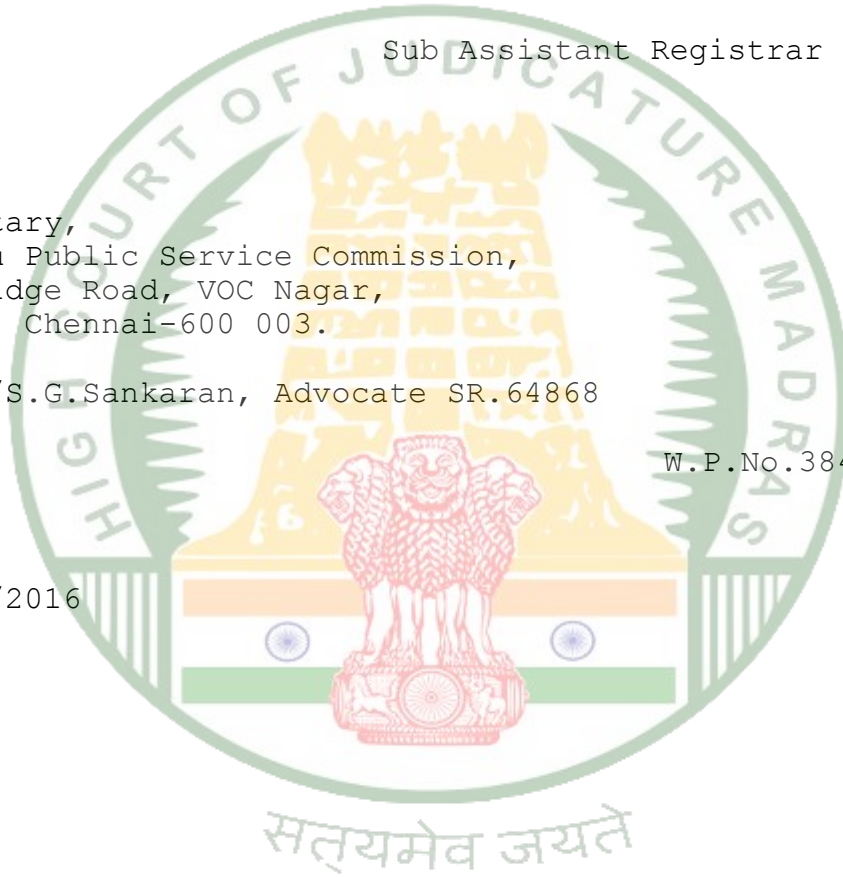
To

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

+lcc to M/S.G.Sankaran, Advocate SR.64868

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