



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.24485 of 2016 and
W.M.P.(MD) Nos.17670 to 17672 of 2016

Rathinavel Pandian

... Petitioner

-vs-

1. State of Tamil Nadu,
Rep. by The Secretary to Government,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Chennai-3.
3. The Controller of Examination,
Tamil Nadu Public Service Commission,
Chennai-3.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned list-II of Director of District Educational Officer in Tamil Nadu School Education Service (2012) published by the 3rd respondent on 16.12.2016, quash the same on the ground that the same is arbitrary, illegal and without any legal basis and without jurisdiction and consequently direct the respondents to permit him to attend the oral test to be held on 27.12.2016 at the 3rd respondent's office.

For Petitioner	: Mr.M.Ramu
For R1	: Mr.A.K.Baskara Pandian Spl. Govt. Pleader
For R2 & R3	: Mr.K.K.Senthil

O R D E R

This petition has been filed, seeking to quash the impugned list-II, published by the 3rd respondent on 16.12.2016, by which, it was informed that due to non availability of candidates from among teachers employed in recognized aided secondary or higher secondary school against the vacancies in Physics and Chemistry subjects. It has been decided by the Commission to call for 14 candidates from open market based on the marks obtained in the



written examination. The petitioner also sought a direction to the respondents to permit him to attend the oral test scheduled to be held on 27.12.2016 at the 3rd respondent's office.

2. The case of the petitioner is that he was successful in the primary examination and thereafter, appeared for written examination and also scored marks in terms of the guidelines mentioned in the application; that no interview was conducted and he has not been called for interview; that though he fulfilled all the requirements, the action of the respondents in not considering his candidature is incorrect and therefore, the impugned order warrants interference by this Court.

3. Learned counsel appearing for the respondents 2 & 3 would submit that a notification was issued by the TNPSC on 14.02.2014 to fill up 11 vacancies of District Educational Officer in Tamil Nadu School Educational Service; that more than 3000 candidates have been admitted to the main written examinations and after conducting main written examinations in the month of August, 2015, results were published in November, 2016. According to the respondents, the petitioner is one of the candidates, who appear in the main written examinations and the TNPSC would not scrutinize any of the application at the threshold in order to avoid legal consequences that would normally arise in case of rejection of applications of any of the candidates and will allow all the candidates to take up their examinations. The respondents have produced a copy of the application of the petitioner along with the application of other candidate, namely, one Aravamudhan to show that the relevant column, namely "Experience Details" has not been filled up in the case of the petitioner like that of the other candidate, namely, Aravamudhan, even though the petitioner has written "yes" against the said column.

4. It is further contended by the respondents that the case of not only the petitioner, but also other 72 candidates, who have failed to furnish the complete experience details, has been rejected for non furnishing required details in the column mentioned supra, as per the decision of the Commission.

5. Heard the learned counsel on either side.

6. From the records produced by the respondents, it is apparent that the application, submitted by the petitioner was defective, even though the petitioner was successful in the primary and main examinations conducted by the TNPSC. This Court cannot interfere in the administrative decision and stall the process of selection, unless or otherwise it is found to be mala fide or bias. Therefore, the respondents are justified in proceeding with the certificate verification to be held on 27.12.2016 and thereafter, filling up the post.



7. In the result, this Writ Petition fails and the same is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

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/True copy/

Sd/-
Assistant Registrar(CS II)

Sub Assistant Registrar

To:

1. The Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Chennai-3.
3. The Controller of Examination,
Tamil Nadu Public Service Commission,
Chennai-3.

+1cc to special Government Pleader SR.No.83596

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W.P.(MD) No.24485 of 2016