



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2016

CORAM :

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) Nos.9225, 9226, 9227, 9106, 9107, 9163 to 9165,
9355, 9356, 9379 and 9380 of 2016

and

W.M.P (MD) Nos.7346,7347,7348,7354,7355,7356,7430,7247,7251,
7248,7252,7249,7253,7250,7254,7300,7303,7306,7301,7304,7307,7302,730
5,7308,7407,7408,7409,7410,7411,7412,7413,7414,7428,7429,7430,7431,7
432,7433,7434 and 7435 of 2016

A.KANNIAPPAN	... PETITIONER in WP(MD) No.9225 of 2016
S.SARAVANAN	... PETITIONER in WP(MD) No.9226 of 2016
P.CHITRA DEVI	... PETITIONER in WP(MD) No.9227 of 2016
R.KALIDOSS	... PETITIONER in WP(MD) No.9106 of 2016
T.ARPUTHAMANI	... PETITIONER in WP(MD) No.9107 of 2016
AMSAVENI.S	... PETITIONER in WP(MD) No.9163 of 2016
R.MUTHUKUMAR	... PETITIONER in WP(MD) No.9164 of 2016
S.SARAVANAN	... PETITIONER in WP(MD) No.9165 of 2016
A.PRASATH	... PETITIONER in WP(MD) No.9355 of 2016
B.BHARATHIK KANNAN	... PETITIONER in WP(MD) No.9356 of 2016
P.AISHWARYA	... PETITIONER in WP(MD) No.9379 of 2016
P.BHARATHIRAJA	... PETITIONER in WP(MD) No.9380 of 2016

-VS-

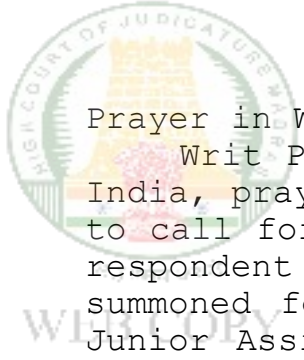
1 THE SECRETARY,
TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD, VOC NAGAR,
PARK TOWN CHENNAI- 600 003.

2 THE CONTROLLER OF EXAMINATIONS,
TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD, VOC NAGAR,
PARK TOWN CHENNAI- 600 003.

... RESPONDENTS IN WP(MD) Nos.9225, 9226,
9227, 9163, 9164, 9165, 9355, 9356,
9379 and 9380 of 2016

TAMIL NADU PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY,
GOVERNMENT ESTATE,
<https://hcservices.ecourts.gov.in/hcservices/>
ANNA SALAI, CHENNAI-600 002.

... RESPONDENT IN WP(MD) Nos.9106 and 9107/2016



Prayer in WP(MD) No.9225 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 1st respondent containing the list of register numbers of candidates summoned for certificate verification IInd Phase for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15 and quash the same so far as non inclusion of the petitioner s register number (100147063) and further direct the respondents to call the petitioner for certificate verification for the post of Junior Assistant included in Group IV Services, 2013 and 2014-15.

Prayer in WP(MD) No.9226 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 1st respondent containing the list of register numbers of candidates summoned for certificate verification IInd Phase for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15 and quash the same so far as non inclusion of the petitioner s register number (100134271) and further direct the respondents to call the petitioner for certificate verification for the post of Junior Assistant included in Group IV Services, 2013-2014 and 2014-15.

Prayer in WP(MD) No.9227 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 1st respondent containing the list of register numbers of candidates summoned for certificate verification IInd Phase for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15 and quash the same so far as non inclusion of the petitioner s register number (100128056) and further direct the respondents to call the petitioner for certificate verification for the post of Junior Assistant included in Group IV Services 2013 and 2014 and 2014-2015.

Prayer in WP(MD) No.9106 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in regard to the second phase certification verification list published by the respondent in proceedings No. Nil dated 20.04.2016 for recruitment to the post of Junior Assistant in Group IV services for the year 2013-14 & 2014-15 and quash the same as illegal and arbitrary and consequently direct the respondent to prepare fresh Certificate Verification list based on the mark obtained in the written test and thereby include the petitioner s name in it and issue selection order to him in the said post within the time limit that may be stipulated.



Prayer in WP(MD) No.9107 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in regard to the second phase certificate verification list published by the respondent in proceedings No.Nil dated 20.04.2016 for recruitment to the post of Junior Assistant in Group IV services for the year 2013-14 & 2014-15 and quash the same as illegal and arbitrary and consequently direct the respondent to prepare fresh Certificate Verification list based on the mark obtained in the written test and thereby include the petitioners name in it and issue selection order to him in the said post within the time limit that may be stipulated by this Honble Court.

Prayer in WP(MD) No.9163 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned results dated 20.04.2016, published by the 1st respondent, thereby published the List of Register Numbers of candidates summoned for certificate verification [II Phase] for the posts of Junior Assistant included in Group-IV Services, 2013-14 & 2014-15 and quash the same as illegal in respect of the non-inclusion of the petitioner s register Number 100107050 is concerned and consequently direct the respondents to permit the petitioner to participate in the certificate verification (II phase) so as to enable him to get appointment for the posts included in Group IV Services, 2013-2014 and 2014-2015.

Prayer in WP(MD) No.9164 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned results dated 20.04.2016, published by the 1st respondent, thereby published the List of Register Number of candidates summoned for certificate verification [II Phase] for the posts of Junior Assistant included in Group-IV Services, 2013-14 & 2014-15 and quash the same as illegal in respect of the non-inclusion of the petitioners register number 100155223 is concerned and consequently direct the respondents to permit the petitioner to participate in the certificate verification [II Phase] so as to enable him to get appointment for the posts included in Group-IV Services 2013-2014 and 2014-2015.

Prayer in WP(MD) No.9165 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, to call for the entire records relating to the impugned results dated 20.04.2016, published by the 1st respondent, thereby published the List of Register Numbers of candidates summoned for certificate verification (II Phase) for the posts of Junior Assistant included in Group- IV Services, 2013- 14 & 2014- 15 and



quash the same as illegal in respect of the non-conclusion of the petitioners register number 100140149 is concerned and consequently direct the respondents to permit the petitioner to participate in the certificate verification (II phase) so as to enable him to get appointment for the posts included in Group IV Services, 2013-2014 and 2014-2015.

Prayer in WP(MD) No.9355 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 20.04.2016 of the 1st respondent containing the list of register numbers of candidates summoned for certificate verification IInd phase for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15 and quash the same so far as non inclusion of the petitioners register number (100225407) and further direct the respondents to call the petitioner for certificate verification for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15.

Prayer in WP(MD) No.9356 of 2016:

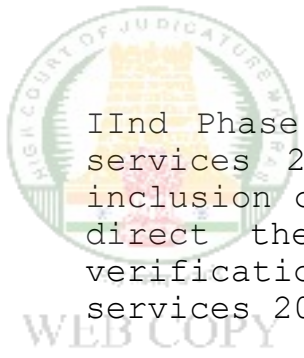
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned order dated 20.04.2016 of the 1st respondent containing the list of register numbers of candidates summoned for certificate verification IInd phase for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15 and quash the same so for as non inclusion of the petitioners register number (290102203) and further direct the respondents to call the petitioner for certificate verification for the posts of Junior Assistant included Group IV services 2013-14 and 2014-15

Prayer in WP(MD) No.9379 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 20.04.2016 of the 1st respondent containing the list of register numbers of candidates summoned for certificate verification IInd phase for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15 and quash the same so far as non inclusion of the petitioners register number (100153024) and further direct the respondents to call the petitioner for certificate verification for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15.

Prayer in WP(MD) No.9380 of 2016:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 20.04.2016 of the 1st respondent containing the list of register numbers of candidates summoned for certificate verification



IInd Phase for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15 and quash the same so far as non inclusion of the petitioners register number (290114149) and further direct the respondents to call the petitioner for certificate verification for the posts of Junior Assistant included in Group IV services 2013-14 and 2014-15.

For Petitioners : Mr.S.Poorna Chandran
(In W.P(MD)Nos.9225 to 9227,
9355&9356, 9379 and 9380/2016)

For Petitioners : Mr.G.Thalaimutharasu
(In W.P(MD)Nos.9106 and 9107/2016)

For Petitioners : Mr.M.S.Jeyakarthik
(In W.P(MD)Nos.9163 to 9165/2016)

For Respondents : Mr.D.Sivaraman
(In all W.Ps)

COMMON ORDER

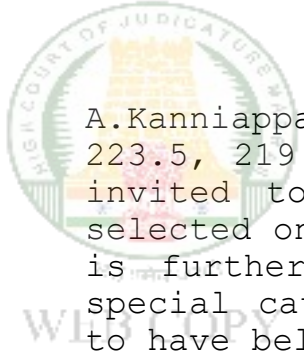
This batch of writ petitions has been filed by the candidates challenging the proceeding dated 20.04.2016 issued by the first respondent, for recruitment to the post of Junior Assistant, Grade IV services for the years 2013-2014 and 2014-2015 on the ground that the same is illegal and arbitrary and with a consequential direction to call them for certificate verification based on the marks obtained by them in the written examination.

2.Heard Mr.G.Thalaimutharasu, Mr.M.S.Jeyakarthik and Mr.S.Poornachandran, learned counsel appearing for the petitioners and Mr.D.Sivaraman, learned counsel appearing for the respondents.

3.Learned counsel for the petitioners submitted that though the petitioners have obtained more marks than the candidates who have included in the certificate verification, their names have not been included in the list for certificate verification and therefore, the impugned certificate verification list, is liable to be quashed.

4.Adding further, it was contended by them that without issuing cut off mark for the second phase of certificate verification, they have wrongly proceeded with the selection procedure, as a result, some of them who are ineligible have been included in the impugned list for certificate verification.

5.Learned counsel would submit that the petitioners namely, R.Kalidoss, Arputhamani, Amsaveni, P.Muthukumar, S.Saravanan,



A.Kanniappan and S.Saravanan have secured 232.5, 231, 205.5, 214.5, 223.5, 219 and 226.5 marks respectively but the candidates who were invited to take part in the certificate verification have been selected only on the ground that they belong to special category. It is further submitted that they have wrongly included them as a special category without verifying whether a candidate who claimed to have belonged to PSTM category.

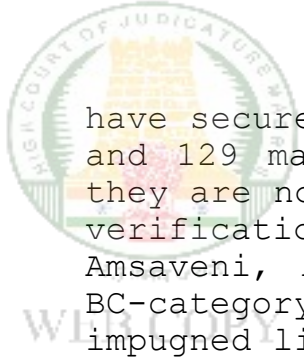
6.Learned counsel would further contend that though Mr.A.Kanniappan has secured 219 marks by placing him in the overall ranking at 12909, he was not called for certificate verification in the first phase of certificate verification and even when the respondents have held the second phase of certificate verification, his name was not found place. However, a candidate with Registration No.200128027 belongs to BC (OBCM) category who secured only 160.05 marks was called for certificate verification. Likewise, a candidate with Registration No.010807168 belongs to BC (OBCM) category who scored 157.5 marks has been called for certificate verification which would go to show that the respondents have not followed fair and proper selection procedure and therefore, the impugned results dated 20.04.2016 published by the first respondent for the post of Junior Assistant included in Group IV services for the years 2013-2014 and 2014 and 2015 is liable to be set aside.

7.It is further submitted that though the petitioners Amsaveni BC-PSTM category, P.Muthukumar SC-PSTM category, and S.Saravanan, SC-PSTM category, have secured 205.05, 214.5 and 223.5 marks respectively, neither they have called for in the first phase of certificate verification nor in the second phase of certificate verification. But their dismay is that some of the candidates who have secured lesser marks were called for certificate verification.

8.It is further submitted that the respondents have not mentioned on what basis, some of the candidates were called for certificate verification, even after the certificate verification and written test were over under special category. Learned counsel for the petitioners would further contend that there is no transparent procedure adopted in the selection process. On this score also, it is pleaded that the impugned list for certificate verification is liable to be interfered with.

9.Though the respondents 1 and 2 filed separate counter affidavits in each case at the first instance, now, they have filed a common counter affidavit, for meeting the contentions raised by the petitioners covering all the issues involved in these writ petitions.

10.Mr.D.Sivaraman, learned Standing Counsel for the Tamil Nadu Public Service Commission submitted that when the cut off marks for the candidates belonging to the SC category fixed is 234 marks, the petitioners namely, R.Kalidoss, Arputhamani, P.Muthukumar, S.Saravanan, S.Saravanan, P.Chitra Devi, A.Prasath, and P.Aishwarya



have secured only 232.5, 231, 214.5, 223.5, 226.5, 123, 169.5, 223.5 and 129 marks respectively which are below the cut off marks and they are not eligible to challenge the impugned list for certificate verification. He would further contend that the petitioners Amsaveni, A.Kanniappan, B.Barathik and P.Barathi Raja who are all BC-category candidates are not eligible to challenge the present impugned list of certificate verification as they have not even come under the zone of consideration and they have also secured less than the cut off marks namely 237 marks fixed for BC-category.

11.Learned counsel for the respondents has further submitted that when none of the petitioners can complain that the respondents have called for any ineligible candidates on the basis of their marks, in comparison with the petitioners marks, then they are not entitled to maintain the writ petitions.

12.While considering the cut off marks fixed for the candidates belonging to the SC-category, it could be seen from the counter affidavit filed by the respondents that 234 marks being the cut off mark fixed for the said category. As rightly contended by the learned counsel for the respondents that the petitioners belonging to SC-category having miserably failed to secure the above said cut off marks, in my considered opinion, they are not entitled to maintain the writ petitions. Similarly, BC-category candidates, namely, Amsaveni, A.Kanniappan, B.Barathik and P.Barathi Raja have also miserably failed to secure the basic cut off marks and therefore, they were also rightly not called for certificate verification.

13.Further, it has been contended that the candidates belonging to PSTM-category who are accommodated under special category only on production of proper certificate showing that they belong to PSTM-category. Pursuant to the direction issued by this Court, official records were produced before this Court. This Court after going through the copy of the online applications produced before this Court is satisfied that some of the candidates belonging to the PSTM candidates were accommodated in the respective category only on production of proper certificate.

14.Therefore, this Court is not able to find any merits on the submissions made by the learned counsel for the petitioners. Accordingly, the writ petitions are dismissed. As a sequel, the interim direction already granted is vacated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

**To**

1 THE SECRETARY,
TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD, VOC NAGAR,
PARK TOWN CHENNAI- 600 003.

2 THE CONTROLLER OF EXAMINATIONS,
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PARK TOWN CHENNAI- 600 003.

3 THE SECRETARY,
TAMIL NADU PUBLIC SERVICE COMMISSION,
GOVERNMENT ESTATE,
ANNA SALAI, CHENNAI-600 002.

+ 4 CC TO MR.M.S.JEYAKARTHIK, ADVOCATE IN SR No. 41719, 26608

+ 1 CC TO MR.D.SIVARAMAN, ADVOCATE IN SR No. 41624

SMS

TE/SS-2 : 07/09/2016 : 8P/9C

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