

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **09.10.2017**

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. No.5212 of 2014 &**

**M.P.Nos. 1, 2 & 3 of 2014**

R.RAJAVELU

[ PETITIONER ]

Vs

1 TAMILNADU PUBLIC SERVICE COMMISSION  
REP. BY ITS SECRETARY  
NO.1, GREAMS ROAD  
CHENNAI-600 006.

2 THE CONTROLLER OF EXAMINATIONS  
TAMILNADU PUBLIC SERVICE  
NO.1, GREAMS ROAD  
CHENNAI-600 006.

[RESPONDENTS]

**PRAYER :** Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorari Mandamus, to call for the records relating to the notification dated 29.1.2014 issued by the 1st respondent quash the same and consequently direct the respondents to consider the name of the petitioner pursuant to the written test held on 30.7.2011 to the post of Grade II Officers 2009-2011.

For Petitioner : Mr.S.Mohanasundararajan

For Respondents : Mr.M.Loganathan

**ORDER**

The relief sought for in this writ petition is for quashing the Notification dated 29.1.2014, issued by the first respondent and to direct the respondents to consider the name of the writ petitioner pursuant to the written test held on 30.7.2011 to the post of Grade II Officers 2009-2011.

2.The tentative list of candidates provisionally selected were notified in the impugned notification. The learned counsel for the petitioner made a submission that the writ petitioner had secured 228 out of 300 marks in the selection and therefore his case ought to have been considered for recruitment to the post notified. In paragraph No.8 of the affidavit filed in support of the writ petition, the writ petitioner has admitted the fact that though he had secured 228 marks in written test and the first respondent has not considered him for recruitment to the post of Grade II Officer. It is further submitted that in the Provisional Selection list, the candidates who have secured lesser marks than that of the writ petitioner were selected.

3.In this regard, it is relevant to consider the counter affidavit filed on behalf of the respondents. The learned counsel appearing for the respondents made a submission that pursuant to the

advertisement No.258 dated 30.12.010, Applications were called for and the writ petitioner also had submitted his application for recruitment to the post of Grade II officer. The written examination was held on 30.7.2011 and accordingly, the marks obtained by the candidates were published. In this regard it is relevant to note that in respect of the post of ASO-cum-Programmer, the cut of mark was fixed as 234 and the last candidate who was provisionally selected had secured 234 marks in the written written examination. So also, in the Non-Oral test, the last candidate secured 232 marks.

4.Thus, it is clear that the writ petitioner had not secured the requisite cut-off marks and he was not even in the zone of consideration for selection. Since the writ petitioner has not secured the required cut-off marks, the case of the writ petitioner has not been considered and there is no infirmity in the rejection.

5.This Court is of the view that the candidates who have not secured the required cut-off marks and not in the zone of consideration, cannot have any right to selection or appointment. Admittedly, the writ petitioner had secured 228 marks in the written examination and the last candidate in the above two posts have secured 234 and 232 marks respectively.

6.This being the factum of the case, the case of the writ petitioner for selection or appointment cannot be considered in this writ petition. Accordingly, the other grounds in this writ petition deserves no further consideration and the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**09.10.2017**

rpa

To

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**S.M.SUBRAMANIAM,J.**



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