

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.229 of 2017
and
C.M.P.No.3810 of 2017

C.Panneer Selvam ...Appellant/Petitioner

-vs-

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

Appeal filed under Clause 15 of Letters Patent, against the order dated 09.08.2016 passed by this Court in W.P.No.9208 of 2013. Writ petition filed under Article 226 of the constitution of India to issue a writ of Mandamus to directing the respondent Service Commission to conduct Oral Test (Interview) for the petitioner by confirming the selection of the petitioner on merit under the Reservation for Persons Studied in Tamil Medium for the Interview Posts included in the Combined Subordinate Services Examination -1 -2009-2011 notified in Advertisement No.258 dated 30.12.2010 on considering the 232.50 marks scored by the petitioner in consonance with the Cut-Off marks for the Most Backward Class (General) Tamil Medium in order to initiate further selection process and consequently to selected and appoint the petitioner in an appropriate interview-Post in the Combined Subordinate Services Examination-1-2009-2011 on merit with due seniority and all service benefits.

For Appellant :: Mr.R.Singaravelan, Sr.Counsel
for Mr.P.K.Rajesh Praveen Kumar

For Respondent :: Mr.V.S.Sethuraman,
Additional Advocate General-I
assisted by
Mr.M.Loganathan

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This appeal has been filed against the order passed by the learned single Judge of this Court dismissing the writ petition filed by the appellant in W.P.No.9208 of 2013 on 09.08.2016.

2.The appellant herein belongs to Most Backward Class (MBC) community. He has passed M.Com in Tamil medium. He has applied for Group II Examination in the year 2009-2011. In the said examination, the appellant had scored 232.50 marks and his order in rank is 5421. The appellant is eligible for 20% reservation for "Persons Studied in Tamil Medium" (PSTM) in recruitment to Government Services. Even though, the appellant has clearly stated that he had passed his M.Com degree in Tamil medium, his case was not considered by the respondent and he was not selected for interview for the interview post in the Group-II Examination 2009-2011 by considering the marks scored by him, on the ground that he had not enclosed the evidence in support of his claim that he studied in Tamil Medium and that it is statutory and mandatory that the application submitted without evidence will not be considered for the above said (PSTM) reservation. Aggrieved by the same, a writ petition was filed by the appellant herein before this Court in W.P.No.9208 of 2013. The learned single Judge of this Court dismissed the writ petition on the ground that the appellant has not enclosed any evidence in support of his claim for PSTM reservation at the time of filing the application and also on the ground that he has already been appointed in the non-interview post.

3.Challenging the order passed by the learned single Judge, the present writ appeal has been filed.

4.Heard the learned counsel on either side and perused the materials available on record.

5.The application of the appellant was not considered for the interview posts included in the Combined Subordinate Services Examination in question, on the ground that when he made the application, he did not produce the certificate that he studied in Tamil medium. According to the appellant, in the certificate produced by him with regard to his post-graduate degree qualification (M.Com.), there is a mention as to the medium of instruction, as "Tamil". But it was not found to be sufficient, as the authorities had insisted for a separate certificate to be obtained from the appropriate authority, showing that throughout his studies, he studied in Tamil medium. Belatedly he has challenged the rejection of his application.

6.It is seen that the non-production of the relevant certificate at the time of making application by the appellant is not deliberate. It cannot also be said that there is a lapse on the part of the authority in rejecting the case of the appellant on the ground that he has not produced the relevant certificate that he studied in Tamil medium throughout his studies at the relevant point of time, since as per the relevant Notification, the candidates should enclose evidence in support of their claim and it is statutory and mandatory that the application submitted without evidence will not be considered for the above said PSTM reservation. Even though the appellant had studied in Tamil medium, the Department cannot be found fault with for not granting him interview post, since the evidence to that effect as required by the authorities, was not produced at the relevant point of time. Further, the appellant has been granted non-interview post.

7.In the above stated circumstances, it is for the respondent to consider the case of the appellant and take a decision in accordance with law, as to whether he may be posted in the interview post, if any vacancy arises due to non-reporting of any persons selected or due to resignation. It is made clear that this order shall not be quoted as a precedent by others.

8.The writ appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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

+ 1 cc to Mr. Loganathan, Advocate Sr.53865
+ 1 cc to Mr.P.K. Rajesh Praveen Kumar, Advocate Sr.54020

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SJ(CO)
EU 21.08.17