

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.21161 of 2017 and
WMP No.22038 of 2017

S.P.Murugan

Petitioner

Vs.

1. The Secretary to Government
Personal and Administrative Reforms Department,
Fort St.George, Chennai - 600 009
2. The Chairman,
Tamilnadu Public Service Commission,
Frazer Bridge Road, V.O.C., Nagar,
Park Town, Chennai - 600 003
3. The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003
4. The Controller of Examination
Tamilnadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 2 to 4 to adopt the procedure of 1:50 ratio for writing the main examination for Group-I to be held on 13.10.2017 to 15.10.2017 or subsequent dates in the place of candidates who failed to succeed certificate verification for writing main examination.

For Petitioner : Mr. C.Prakasam
For Respondents : Mr.K.Rajendraprasad for R1
Government Advocate

Ms.C.N.G.Niraimathi for R2 to R4

O R D E R

The petitioner applied for various posts under Group-I Service, pursuant to the Notification No.19/2016 dated 09.11.2016 inviting applications from eligible candidates for direct recruitment against 85 vacancies issued by Tamilnadu Public Service Commission, hereinafter referred to as TNPSC. The petitioner was also placed with the interview card and he has written preliminary examination and subsequently, passed the same. Thereafter, except the petitioner, other eligible candidates were called for certificate verification. The main examination is to be conducted from 13.10.2017 to 15.10.2017, at this stage, the petitioner has come to this Court seeking a writ of mandamus directing the respondents 2 to 4 to adopt a procedure of 1:50 ratio for writing the main examination in the said dates or subsequent dates in the place of candidates, who failed to succeed in the certificate verification for writing the main examination.

2. Mr.C.Prakasam, learned counsel appearing for the petitioner would submit that TNPSC has to follow the procedure of 1:50 ratio and moreover, while publishing the results of preliminary examination on 21.07.2017, the candidates, who had already selected during the interview conducted between 07.08.2017 to 11.08.2017 were also selected and that the said candidates will not write the main examination and hence some of the candidates, who are at the border of the cut off mark may also get a chance to write the main examination. In this connection, the petitioner has also given a representation on 31.07.2017 with a request that after certificate verification, if any candidate's certificate is not accepted, then, TNPSC can permit the next candidate, who comes nearby the cut off mark by giving 90 days time from the date of permitting the candidates, who obtained lesser marks. The petitioner has obtained nearby cut off marks, therefore, he may get a chance to write main examination, if TNPSC follows the procedure of ratio 1:50 for writing the main examination.

3. While concluding his argument, the learned counsel appearing for the petitioner would submit that when 85 vacancies are notified in the notification, the respondents should have invited 4250 candidates ($85 \times 50 = 4250$) at the ratio of 1:50, which has not been done, therefore a direction may be issued to the respondents 2 to 4 to follow 1:50 procedure.

4. A detailed counter has been filed by the respondents 2 to 4, the Deputy Secretary of TNPSC, Chennai, who has filed counter affidavit has stated that all the candidates, who have secured cut off marks in each reservation category had been called for main written examination at the ratio of 1:50. When there are 85 vacancies available, after admitting 2,17,773 candidates in the preliminary examination, 79,918 candidates remained absent, only 1,37,855 had appeared. Finally, 4,602 candidates had qualified for main written examination. In addition thereto, 352 candidates were called for with the same cut off marks, which shows that the respondents have not only invited

candidates at the ratio 1:50, but, more than the ratio 1:50, therefore, the prayer in the writ petition, which has already been granted is liable to be dismissed.

5. In reply, the learned counsel appearing for the petitioner would submit that the calculation projected before this Court, i.e., 4602 candidates were called for the main written examination is not correct, the reason is, when they had invited hundreds of candidates, they are calculating the candidates, who appeared in the main examination and if any other candidates failed to turn up, the same should be taken into account and equal number of absentees should be substituted, that exercise alone will comply the ratio of 1:50.

6. Heard the submissions on either side and perused the documents available on record.

7. I am unable to agree with the said contention made by the learned counsel appearing for the petitioner. The first reason is when there are 85 vacancies available at the time of issuing notification no.19/2016 dated 09.11.2016, after holding the preliminary examination but before conducting the main written examination, the TNPSC have invited the candidates, who are selected in the preliminary examination at the ratio of 1:50. If any one out of 1:50 failed to turn up, I do not find that the TNPSC shall once again substitute the other candidates in the place where the candidates have failed to turn up, therefore, the Writ Petition is liable to fail. Secondly, yet another contention made by the learned counsel appearing for the petitioner is that the petitioner should be informed of his marks so as to find out whether he comes within the zone of considering the cut off mark. Placing an order dated 15.04.2015 passed by the Hon'ble Division Bench of this Court in W.P.No.10010 of 2015, Ms.C.N.G.Niraimathi, learned counsel appearing for the respondents 2 to 4 submitted that the marks secured by the candidate in the preliminary examination need not be disclosed before the entire selection process is completed and that the same issue is seized before the Larger Bench for consideration.

8. In view of the above said reasons, the Writ Petition fails and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

ssd

To

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+1 CC Mr.C.PRAKASAM Advocate SR.No.73626

+1 CC GOVT.PLEADER SR.No.73738

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RK (co)

EGR 17/11/2017



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