

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.558 of 2016

J.Raja

... Appellant

-Vs-

1. The Chairman
Tamil Nadu Public Service Commission
Fraser Bridge Road
Park Town,
Chennai 600 003
2. The Controller of Examinations
Tamil Nadu Public Service Commission
Fraser Bridge Road
Park Town,
Chennai 600 003
3. The Deputy Secretary
Tamil Nadu Public Service Commission
Fraser Bridge Road
Park Town,
Chennai 600 003

... Respondents

Appeal under Clause 15 of the Letters Patent, against the order dated 02.02.2016 made in W.P.No.3792 of 2016.

W.P.No.3792 of 2016 : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, Calling for the records on the file of the 3rd respondent in connection with the Order No.5258/DTD-D2/2015 dated 11.12.2015 which was signed on 22.12.2015 and quash the same as illegal, arbitrary and against the principles of natural justice and consequently direct the Respondents to publish the results for the examinations held in the month of May 2015.

For Appellant : Mr.S.Ambigapathi

For Respondents : Mr.M.Loganathan for R1
RR 2 & 3-Noticed Served

JUDGMENT

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

Heard the learned counsel for the appellant. The first respondent is represented by a junior counsel.

2. It appears that for having utilised the books for writing the Departmental Examination, the appellant/writ petitioner has been debarred by the Tamil Nadu Public Service Commission from writing the Departmental Examination for six attempts (three years). By the impugned order, the learned single Judge has not interfered with the said order. However, it is seen that for some papers of the Departmental Examination, open book system is allowed and for some papers, it is only without reference to books. There is variation in the standards for passing the Departmental Examination. In these circumstances, without proper appreciation, when the appellant/writ petitioner was also allowed to write the examination with open book, he has been debarred from writing the examination for six attempts (three years). It needs to be balanced. In the fact situation, the appellant/writ petitioner has already suffered non-appearance in the examination for four attempts (two years). Treating the period which he has already suffered as sufficient penalty, we modify the order of debarment passed by the Tamil Nadu Public Service Commission to be applicable only to four attempts (two years), instead of six attempts (three years). The impugned order stands modified accordingly and the writ appeal is allowed in part. Consequently, C.M.P.No.7474 of 2016 is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

nvi

To

1. The Chairman

Tamil Nadu Public Service Commission
Fraser Bridge Road
Park Town, Chennai 600 003

2. The Controller of Examinations

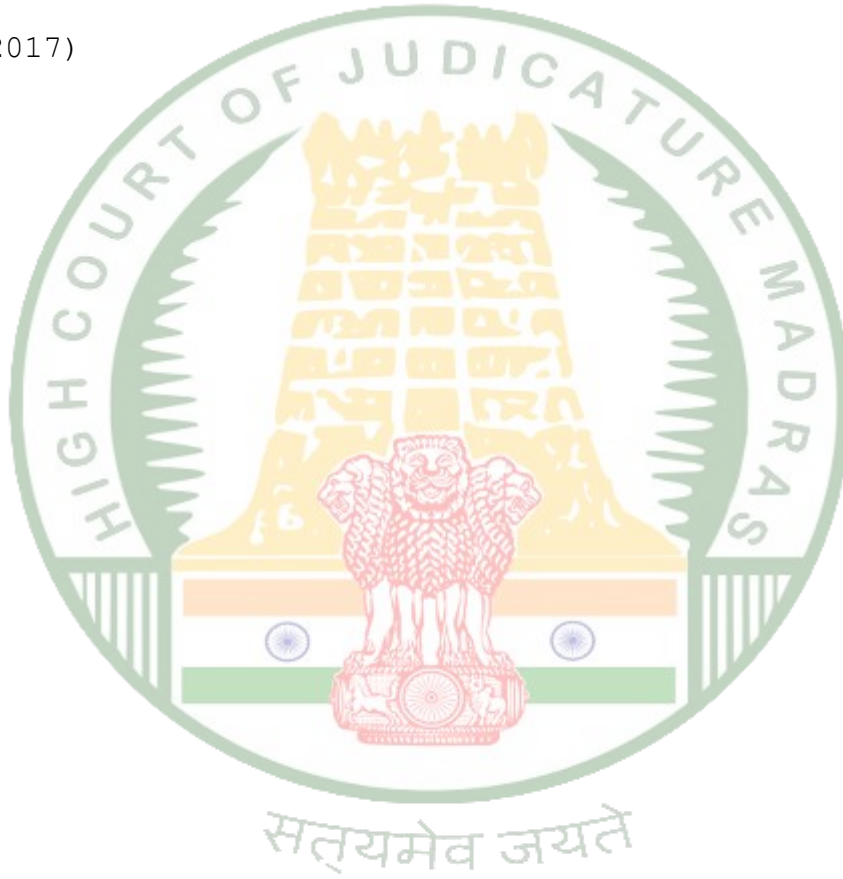
Tamil Nadu Public Service Commission
Fraser Bridge Road
Park Town
Chennai 600 003

3. The Deputy Secretary
Tamil Nadu Public Service Commission
Fraser Bridge Road
Park Town
Chennai 600 003

+1cc to Mr.S.Ambigapathi, Advocate, S.R.No.62137

W.A.No.558 of 2016

GJ II(CO)
CA(14/09/2017)



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