

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.27905 of 2013
& MPs.No.1 of 2014 & 2 of 2013

M.Umadevi

... Petitioner

Vs.

- 1.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Park Town,
Chennai-600 009.
 - 2.The Government of Tamil Nadu,
rep. by the Chief Secretary,
Secretariat,
St.George Fort, Chennai-600 009.
 - 3.The Director,
Directorate of Vigilance and Anti Corruption,
No.24, P.S.Kumarasamyraja Salai,
(Greenways Road),
R.A.Puram, Chennai-600 028.
- ... Respondents

Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for all the relevant records relating to the impugned Selection List dated nil published by the first respondent Tamil Nadu Public Service Commission in the Group-I Examination 2006-2007, Notified in Advertisement No.120 dated 01.08.2007, herein to quash the same as arbitrary, improper, unjust, unconstitutional, thereby directing the first respondent to conduct fresh selection process for the said Group-I Examination 2006-2007 and consequently to allow the petitioner for the Oral Test/ Interview, to be selected and appointed on merit in the said examination.

For Petitioner .. Mr.L.Chandra Kumar

For Respondents .. Mr.V.Aiyathurai, AAG assisted by
Mr.T.M.Pappiah, Spl. G.P. For R2 &3
Mr.C.N.G.Niraimathi for R1

ORDER

The petitioner has approached this Court seeking for the following relief:

'To issue a writ of Certiorarified Mandamus, to call for all the relevant records relating to the impugned Selection List dated nil published by the first respondent Tamil Nadu Public Service Commission in the Group-I Examination 2006-2007, Notified in Advertisement No.120 dated 01.08.2007, herein to quash the same as arbitrary, improper, unjust, unconstitutional, thereby directing the first respondent to conduct fresh selection process for the said Group-I Examination 2006-2007 and consequently to allow the petitioner for the Oral Test/ Interview, to be selected and appointed on merit in the said examination'.

2.The case of the petitioner is as follows:

According to the petitioner, she belongs to backward class (BC-Women) category. The first respondent issued a notification dated 01.08.2007, for recruitment in Group-I, Services during the year 2006-2007. The selection for Group-I services consisting of three stages namely, preliminary examination, main examination and interview. The petitioner had also applied for the said Group-I examination. In response to the notification, preliminary examination was conducted on 23.12.2007 and the main examination consisting of paper 1 & 2 was held on 16.08.2008 & 17.08.2008 and the interview was held on 26.12.2008 to 03.01.2009. According to the petitioner, she passed preliminary examination and participated in the main written examination, however, she was not called for the oral test namely, the interview and her marks secured in the main examination was not declared. On enquiry, the petitioner came to know that the vigilance enquiry was ordered by the Government in respect of the said examination in order to investigate certain malpractices committed by the employees of the Tamilnadu Public Service Commission. The petitioner was issued with a letter on 15.04.2013, by the third respondent calling her for an enquiry. In enquiry, the petitioner was found that she had not secured sufficient marks for her to become eligible to be called

for next stage of selection. However, she was denied participation in the next stage of selection, which took place as early as in the year 2008-2009. According to the petitioner, she had come to know about that only in the year 2013, when the vigilance enquiry was conducted. Therefore, she is before this Court, challenging the list published by the first respondent in the Group-I, examination 2006-2007, notified in advertisement dated 01.08.2007, to the consequential prayer for fresh selection.

3. Upon notice, Mr. T. M. Pappiah, learned Special Government Pleader entered appearance for the second and the third respondents and filed a detailed counter affidavit. In the counter affidavit, it is stated that the petitioner did not secure enough marks to be called for interview against the marks eligible for her namely, the BC women. Moreover, in the counter statement, it was stated that the petitioner had indulged in malpractice by using coloured pens for writing the examination in order to establish her identity by defeating the procedure adopted by the Service Commission. The Commission evolved a procedure so that, the identification of the candidates was not recognised, when their papers were taken up for valuation. In the vigilance enquiry, when the petitioner participated, it was found that the petitioner had revealed her identity by using coloured pens for answering questions in her answer papers. In the said circumstances, the answer papers were invalidated and the total marks secured by the petitioner was fell short of required marks by huge margin. In any event, it is submitted by the learned counsel appearing for the respondents that the persons, who are selected in the examination had been appointed long ago and many of them have been promoted to All India Services.

4. Mr. L. Chandrakumar, the learned counsel for the petitioner would submit that the petitioner had been denied a due selection in the examination and attempted to impress upon this Court that the claim of the petitioner is with justification and calling for interference from this Court.

5. At the out set, it must be seen that the Group-I examination, in which the petitioner participated was of the year 2006-2007 and the writ petition came to be filed only in the year 2013. There was no valid explanation as to how such writ petition could be entertained at the belated stage, particularly, when the other candidates who are subjected to selection had been given appointment and also been promoted to All India services later on.

6. More over, from the averrments contained in the counter affidavit, it is clear that the petitioner had attempted to reveal her identity in order to secure undue advantage of

defeating the very procedure adopted by the Tamil Nadu Public Service Commission. In the teeth of a clear averments contained in the counter affidavit, the petitioner, who approached this Court with unclean hands cannot be granted any relief. Even other wise, from the averments, it is clear that the petitioner has not secured enough cut-off marks for her to become eligible for consideration for appointment as against the quota meant for her (BC-women).

7. In the above circumstances, this Court finds no merit and substance in the writ petition and therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar [CCC]

/TRUE COPY/

Sub-Assistant Registrar

To

1. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Park Town,
Chennai-600 009.
2. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
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3. The Director,
Directorate of Vigilance and Anti Corruption,
No.24, P.S.Kumarasamyraja Salai,
(Greenways Road),
R.A.Puram, Chennai-600 028.

+1CC to L.CHANDRA KUMAR Advocate SR.NO.64600

+1CC to Govt Pleader High Court, Madras SR.NO.64960

W.P.No.27905 of 2013

VGII [CO]
MK:27/10/2017