



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. [MD].No.36 of 2015

and

M.P. [MD]No.1 of 2015

B.Balakannan

... Appellant/Petitioner

Vs.

The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar,
Chennai - 600 003.

... Respondent/Respondent

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to call for the records connected to the impugned order in W.P.(MD) No.469 of 2015 dated 21.01.2015 on the file of this Court and set aside the same.

Prayer in WP(MD). 469/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to allow the petitioner to participate in the ongoing counseling in connection with appointment by direct recruitment in the Non interview posts included in the combined Civil Services Examination II 2013 -2014 Group II A Services.

For Appellant : Ms.R.Alagumani

For Respondent : Mr.K.K.Senthil

Standing Counsel for TNPSC

JUDGMENT

[Judgment of the Court was delivered by **G.R. SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal, challenging the order dated 21 January 2015, made in W.P(MD)No.469/2015.

2.The writ petitioner belongs to Backward Class community. The respondent Commission called for applications for the posts included in the Combined Civil Services Examination II in the year 2014, by notification dated 06.02.2014.



3.The writ petitioner had already taken three attempts, and therefore, he was not entitled to claim fee exemption. The Commission gives fee exemption to BC community candidates but it is limited up to three chances only. Since, the writ petitioner had already taken three attempts and therefore, the present one being the fourth attempt to clear the Civil Services Examination, he ought to have paid the exam fee.

4.However, the appellant put "tick mark" in the column "YES", claiming fee examination, instead of "No". That the writ petitioner was not eligible for fee exemption, was found out only latter. Thereupon, he was not permitted to take part in further selection process. Contending that he made a *bona fide* mistake in claiming fee exemption, the writ petitioner filed the present writ petition.

5.The learned Judge took the view that the writ petitioner made a false claim and therefore declined to grant and relief. Aggrieved by the same, this writ appeal has been filed.

6.Heard the learned counsel for the appellant and the learned counsel for the respondent. The issue has become virtually infructuous. The matter relates to the selection process that took place in the year 2014. That apart, when the appellant had made an erroneous claim, he is not entitled to any indulgence. Therefore, the learned Judge rightly dismissed the writ petition. We see no ground to take a different view.

7. Accordingly, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To
The Chairman.
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar,
Chennai - 600 003.

+1cc to Mr.K.K.Senthil, Advocate Sr.No.73042

DAS/GSP
VB/KK/SAR1/07/09/2017/2P/3C

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and
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11.08.2017**