



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.1245 of 2016

WEB COPY

C.Cynthia Mabel ...Petitioner/Appellant/Petitioner
Vs.

1.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
No.3, Frazer Bridge Road,
V.O.C.Nagar,
Chennai-600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Chennai-6.

3.The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Chennai.

4.K.Sankar ... Respondents/ Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order in W.P.(MD).No.2460 of 2013, dated 13.03.2015.

Prayer in WP(MD). 2460/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Tentative List of register number of candidates selected provisionally for appointment by direct recruitment to the posts included in Group I Services, 2007-08, 2009-10 & 2010-11 for which Oral Test was held from 01.02.2013 to 05.02.2013 dated 06.02.2013 issued by the Respondent NO.1 and quash the same as illegal and consequently direct the Respondents to consider the petitioner for appointment to any suitable post included in Group I Services, 2007-8, 2009-10 & 2010-11 within the time stipulated by this Honourable Court.

For Appellant	:Mr.T.Lajapathi Roy
For Respondents	:Mr.K.K.Senthil for R1 and R2
	Mr.V.Muruganantham for R3
	Additional Government Pleader
	Mr.R.Aravind for R4

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

Heard Mr.T.Lajapathi Roy learned counsel for the Appellant, Mr.K.K.Senthil, learned counsel for the respondents 1 and 2, Mr.V.Muruganantham, learned Additional Government Pleader for the third respondent and Mr.R.Aravind learned counsel for the fourth respondent.

2. By consent of both parties, the writ appeal itself is taken up for final disposal.

3. This appeal is directed against the order made in W.P.(MD). No.2460 of 2013, dated 13.03.2015. The appellant/writ petitioner filed the said writ petition to quash the tentative list of register number of candidates selected provisionally for appointment by direct recruitment to the posts included in Group-I Services for which oral test was held from 01.02.2013 to 05.02.2013, dated 06.02.2013, issued by the first respondent and consider the appointment of the writ petitioner in any suitable posts in Group-I Services.

4. The case of the appellant/writ petitioner lies in a very narrow compass. The appellant relies upon a tabulated statement which shows distribution of vacancies in various Group-I posts. In this case we are concerned about the post of Deputy Registrar and as per the distribution of vacancies, one post is available for GG (G), one post is available for GT(W), one post is available for BC (OBCM) (G), one post is available for MBC/DC(G), one post is available for MBC/DC(W), one post is available for SC(A)(W) and one post is available for SC(G). In total 7 posts are available. The appellant's claim is that the post which was notified falls within the category of GT(G) and the appellant being a General candidate, ought to have been accommodated in the said post, whereas the fourth respondent, who is the GT(G)(PSTM) candidate has been accommodated.

5. Before the Writ Court, the Tamil Nadu Public Service Commission has filed a counter affidavit raising various contentions stating about swapping of posts on account of selection of candidates, who opted to move over to the post of Deputy Collector. However, before this Court one important fact has been placed by the Tamil Nadu Public Service Commission stating that even assuming that the case of the appellant is accepted and the vacancy is allotted to GT(G) candidate, the appellant having secured only 354.5 marks cannot aspire to be selected for the post as there are 17 male candidates above him who are GT(G) candidates and 2 female candidates above him who are

6. The above factual position has not been controverted by the



appellant and therefore, even assuming the case of the appellant to be correct, the appellant cannot be granted any relief.

7. Be that as it may, even accepting the case of the appellant as such, still she would not come within the zone of consideration as she has scored only 354.5 marks and there are 17+2 candidates above her. Thus, the relief sought for in the writ petition cannot be granted. Accordingly, the writ appeal fails and the same is dismissed and the order of the Writ Petition is confirmed for the above reasons. No costs.

Sd/-

Assistant Registrar(CS II)

/True Copy/

Sub Assistant Registrar

- 1.The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
V.O.C.Nagar,
Chennai-600 003.
 - 2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Chennai-6.
 - 3.The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Chennai.
- +1cc to Mr.T.Lajapathi Roy,Advocate,SR.54082
+1cc to Mr.K.K.Senthil,Advocate,SR.54146
+1cc to Mr.R.Aravind raj,Advocate,SR.53845

W.A. (MD) No.1245 of 2016
25.04.2017

JIKR

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