

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 24-04-2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.9057 OF 2018

Venkatesan

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Petitioner

-VS-

1.The State of Tamil Nadu,  
rep.by the Secretary to Government,  
Education Department,  
St.George Town, Secretariat,  
Chennai – 600 009.

2.The Tamil Nadu Public Service Commission,  
rep.by its Chairman,  
V.O.C.Nagar, Park Town,  
Chennai-600 003.

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Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, to consider the requisition made by the petitioner as per his representation, dated 28.03.2018, for receipt of online application as per the Annual Planner by the second respondent, fixing the date of receipt of recruitment application for Group-II, TNPSC examination in the first week of May,2018.

For petitioner : Mrs.G.Thilakavathy

For respondent 1 : Mr.P.Rajan,  
Govt.Advocate.

For respondent 2 : Mrs.Niraimathi

## ORDER

This Writ Petition has been filed by the petitioner, seeking a presumptive order, that the Tamil Nadu Public Service Commission comes out with an advertisement for filling up of Group-II posts and it be directed to accept the application of the petitioner, who is in the last year of graduation, notwithstanding non-publication of his final result which stipulates that the same is subject to his pass in the final year, considering his representation dated 18.07.2018 to the respondents.

2. Learned counsel for the petitioner submits that since the petitioner is in the last year of graduation and the result is going to be published lately, unless the aforesaid direction is given, he will not be able to participate in the recruitment of the above respondent in the coming year inasmuch as the advertisement published earlier year in this regard indicates that the candidate must possess the qualification as on the last date of application impugned, is prejudicial to him.

3. However, learned counsel appearing for the second respondent/Tamil Nadu Public Service Commission would submit that the Commission is yet to come out with an advertisement and, as such, the apprehension of the petitioner in this regard has no basis. On such premise, she submits that the Writ Petition is liable to be dismissed.

4. No doubt, the writ jurisdiction can be exercised on an apprehend cause of action also, but, the same must be well founded and reasonable. In this case, as

Tamil Nadu Public Service Commission has not come out with any advertisement and it is also not known as to what should be the requisite qualification, without the advertisement, this Court is of the view that the apprehension of the petitioner that he is likely to be ignored in participation is without any substance. Since the petitioner is seeking a presumptive order on writ petition, this Court is not inclined to entertain this Writ Petition, which is, accordingly, dismissed. However, after issuance of advertisement, if the petitioner is aggrieved in any manner, he may if so advised approach this Court, notwithstanding the dismissal of this Writ Petition. There is no order as to costs.

Index : Yes/No  
Internet : Yes/No  
Speaking/Non-speaking

24-04-2018

dixit

To

1.The State of Tamil Nadu,  
rep.by the Secretary to Government,  
Education Department,  
St.George Town, Secretariat,  
Chennai – 600 009.

2.The Chairman,  
Tamil Nadu Public Service Commission,  
V.O.C.Nagar, Park Town,  
Chennai-600 003.

SATRUGHANA PUJAHARI,J.

dixit



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