

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.09.2018

CORAM

The Hon'ble Mr.Justice HULUVADI G.RAMESH
AND
The Hon'ble Mr.Justice RMT.TEEKAA RAMAN

W.A. No.1147 of 2018
and C.M.P.No.9196 of 2018

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Chennai 600 003. ... Appellant

Vs

T.Sharmila ... Respondent

Appeal filed under Clause 15 of Letters Patent to set aside the judgment dated 20.11.2014 made in W.P.No.25352 of 2013 praying to direct the respondent to consider the claim of the petitioner for appointment in Combined Sub-Ordinate Service Examination-I by accepting the Degree Qualification as satisfying the Educational Qualification and well within the cut of date and to consider and appoint the petitioner forthwith.

For Appellant : Mr.M.Loganathan for TNPSC

For Respondent : Ms.S.Kala

JUDGMENT

(Judgment of this Court was delivered by HULUVADI G.RAMESH, J.)

The Writ Appeal is directed against the order dated 20.11.2014 made in W.P.No.25352 of 2013 by a learned Single Judge.

2.The Writ Petition has been filed by the respondent herein to issue a Writ of Mandamus, directing the petitioner herein to consider the claim of the respondent for appointment in Combined Subordinate Service Examination - 1 by accepting the degree

qualification as satisfying the educational qualification and well within the cut of date, to consider and appoint the respondent forthwith. The said Writ Petition was allowed by the learned Single Judge by order dated 20.11.2014. Aggrieved over the same, the respondent therein is before this Court with this Writ Appeal.

3. Heard the learned Standing Counsel for the appellant and the learned counsel for the respondent. We have also gone through the order passed by the learned Single Judge.

4. It appears that the respondent has applied to the petitioner for appointment by direct recruitment to the posts included in the Combined Subordinate Service Examination - 1. The notification was issued on 13.06.2012. It also states that the candidates should possess the qualification on the date of the notification viz., 13.06.2012. The writ petitioner/respondent herein has written the examination much prior to the notification. However, the respondent got her result after the notification, she appeared for examination and interview was also called for. However, the petitioner by taking subsequent decision rejected the application of the respondent on the ground that her results having been declared after the date of notification. Therefore, the petitioner along with other similar candidates moved this Court by way of separate writ petitions seeking the above stated relief.

5. According to the petitioner, the respondent did not possess the prescribed qualification for the post as on the date of issuance of notification. Further, on the date of notification, the result of the petitioner was not declared.

6. The learned counsel for the respondent relied upon Rule 12 of the General Rules for Tamil Nadu State and Subordinate Service Rules, regarding qualification, which provides that candidates, who have written the final degree examination, shall be admitted to the preliminary examination for recruitment to the posts included in Group-I Services, subject to the condition that such candidates should produce the proof of having passed the degree examination, with their application for the main written examination, failing which, they will not be admitted to the main written examination. The very proviso provides that it is only the date of writing the final degree examination and not the date of filing of the application. The only condition is that the candidate must produce the degree certificate to appear for the main examination, which is also applicable to the State Public Service Commission.

7. Accordingly, the Writ Appeal fails and the same is dismissed finding no interference with the order of the learned single Judge. The petitioner is directed to issue the

appointment order to the respondent forthwith. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

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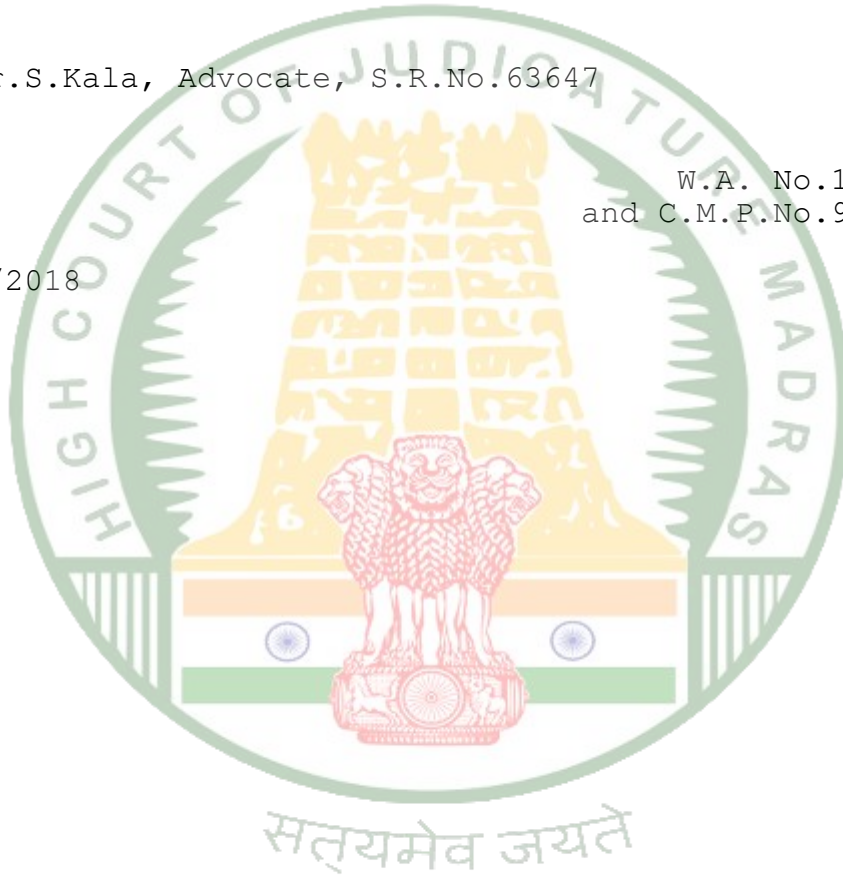
Sub Assistant Registrar

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+1cc to Mr.S.Kala, Advocate, S.R.No.63647

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rrs 30/10/2018



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