

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.02.2018

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THE HONOURABLE MR. JUSTICE T. RAJA

W.P. No. 4231 of 2018

&

W.M.P. Nos. 5210 to 5212 of 2018

R.V. Vijayabhaskaran

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Govt.,
Personnel and Administrative
Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The State of Tamil Nadu,
rep. by its Secretary to Govt.,
Industries Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3. Tamil Nadu Public Service
Commission,
rep. by its Chairperson
Frazer Bridge Road,
V.O.C. Nagar,
Park Town, Chennai - 600 003.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records comprised in Notification No. 26/2017 dated 17.11.2017 on the file of the 3rd respondent for direct recruitment to the posts included in the Combined Engineering Service Examination and quash the same in respect of the post of Assistant Director of Industrial Safety and Health (Formerly known as Assistant Inspector of Factories) and further direct the respondents to allot individual/specific number of posts for each disciplines from amongst the total number of posts called for or in the alternative, select the candidates securing highest marks in the General Studies Paper-II by relying upon their marks secured in technical examination in Paper - I solely for the purpose of finding out the technical eligibility without adding the marks obtained in both the papers based upon the representation of the petitioner dated 10.01.2018.

For Petitioner :: Mr.R. Baranidharan for
Mr. T. Shanmugam

For Respondents :: Mr.V Kadhirvelu,
Special Govt. Pleader for R1 and R2
Mr.M. Loganathan
Standing Counsel for R3

O R D E R

This writ petition is filed challenging notification No. 26/2017 dated 17.11.2017 issued by Tamil Nadu Public Service Commission, the 3rd respondent herein, inviting applications for direct recruitment to the posts included in the Combined Engineering Service Examination and quash the same in respect of Assistant Director of Industrial Safety and Health (formerly known as Assistant Inspector of Factories) with a further direction to the respondents to allot individual/specific number of posts for each discipline from amongst the total number of posts called for or in the alternative to select the candidates securing highest marks in the General Studies Paper-II by relying upon their marks secured in technical examination in Paper - I solely for the purpose of finding out the technical eligibility without adding the marks obtained in both the papers based upon the representation of the petitioner dated 10.01.2018.

2. The case of the petitioner is that he completed his Higher Secondary schooling in the year 1993 and underwent Diploma Course in Textile Technology during the year 1993-1996. Thereafter, he joined AMIE (Textile Engineering) and completed the same during the year 2011 for which he was also issued with equivalent certificate of B.Tech (Textile Technology). That apart, he had also passed the examination conducted for Village Administrative Officer and was also appointed as Village Administrative Officer, Srirangam Taluk, Trichy District. In the year 2015, he had appeared for Group II Services for non-interview post conducted by the 3rd respondent and was selected to the post of Assistant in School Education Department and he is presently serving as Assistant in the Government Higher Secondary School, Vittampalayam, Namakkal District. The petitioner had also appeared in the examination conducted by the Teacher's Recruitment Board conducted in the year 2017 to the post of Lecturer in Government Polytechnic Institutes and he had also cleared the written examination and obtained the highest mark of 111 insofar as Textile Engineering is concerned. However, the entire selection process was cancelled for reasons best known to the Teacher's Recruitment Board. While so, the impugned notification was issued inviting applications through online from eligible candidates for direct recruitment to various posts in the Combined Engineering Services Examination including that of the Assistant Director of Industrial Safety and Health (formerly known as Assistant Inspector of Factories). The petitioner applied for the post of Assistant Director of Industrial Safety and Health. The qualification for the said

post is a Degree in Mechanical, Production or Industrial or Electrical or Chemical or Textile Technology and the scheme of examination in Class 8 included, two written papers and interview of which Paper-I would be from and out of the subjects in which each candidate had acquired his/her degree qualification comprising of 200 questions of each degree standard with a maximum of 300 marks and Paper II comprises of General Studies with 100 questions with a maximum of 200 marks. According to the petitioner, if candidates from all disciplines under the Engineering Degree are allowed to write Paper-I as per their degree qualification, the very same composition of the question paper for Textile Engineering candidates being tougher, they would not be in a position to compete with candidates, who had undertaken courses in other disciplines in the Engineering Degree Course. Further, it is the case of the petitioner that since Paper I comprises of maximum of 300 marks in specialised subjects, there would be a vast difference in awarding of maximum marks for various degree qualifications and therefore, unless each degree qualification is allotted with specific number of posts or if the General Studies Paper is conducted first and based upon the selection, if Paper II is prescribed for his/her degree qualification subjects, there would be fair play amongst the candidates, who appear for the selection. Otherwise, the present system of calling the candidates to write the examination as per their individual qualification in Engineering would not provide level playing field as each subject would have its own standards and the petitioner would not be in a position to compete with candidates of other disciplines as Textile Engineering is a tough subject compared to other Engineering disciplines. Therefore, to bring in a fair and level playing field to all the candidates, 14 posts of Assistant Director of Industrial Safety and Health notified in the impugned notification should be equally allotted to each discipline like Mechanical Engineering, Textile Engineering, etc. If it is done, then the petitioner would be in a position to come within the zone of consideration or otherwise, candidates like the petitioner would be seriously prejudiced. Moreover, it would not be proper to select all the candidates from a particular discipline and the respondents should see to it that candidates from other Engineering disciplines are also selected. This could be achieved only by allotting specific number of posts for each discipline. Therefore, the petitioner submits that suitable directions may be issued in this regard.

3. Learned counsel for the petitioner fairly submitted that the written examination has already been held on 24.02.2018. However, he would submit that, inspite of the written examination having been held, it is not too late and a direction can still be issued to respondents 1 to 3 to consider candidates possessing Textile Technology Degree by allotting

certain posts.

4. Belatedly, the petitioner has approached this Court as the written examination is already over on 24.02.2018. Once the notification had been issued inviting applications from eligible candidates for the post in question, fixing a common selection criterion for all 14 posts, after the written examination has been held and after having participated in the written examination, the petitioner cannot now approach this Court. This would not only involve re-fixing of criterion for candidates of other subjects, but would also prejudice their interests. Therefore, this Court is not inclined to entertain this writ petition and it is accordingly dismissed. No costs. Connected W.M.Ps are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Govt.,
Personnel and Administrative
Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Secretary to Govt.,
The State of Tamil Nadu,
Industries Department,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Chairperson
Tamil Nadu Public Service
Commission,
Frazer Bridge Road,
V.O.C. Nagar, Park Town, Chennai - 600 003.

+1cc to Mr.T.Shanmugam, Advocate Sr.No.14445

+1cc to Government Pleader Sr.No.14784

KJ(CO)

sm:19.4.2018

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