

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.878 & 1482 of 2018

and

W.M.P.Nos.1053, 1884 & 1885 of 2018

W.P.No.878 of 2018

M.Jeevanandham

... Petitioner

Vs

The Secretary

Tamil Nadu Public Service Commission,

No.3, Frazer Bridge Road,

V.O.C. Nagar, Chennai 600 003.

.... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to consider the petitioner (Regn. No.270117049) for selection to the posts included in Combined Civil Services Examination II (Interview Posts) (Group II Services), and consequently select and appoint the petitioner in Group II services based on merit in selection in pursuant to the Notification No.7/2015 dated 30.04.2015 issued by the Respondent based on the marks secured by the Petitioner in the main written examination conducted on 21.08.2016 by undergoing the process of selection including Oral Test in the shape of an interview and to appoint the Petitioner in the eligible post in Group II services based on merit in selection.

For Petitioner : Mr.G.Sankaran

For Respondent : Dr.M.Devendran
Standing counsel

W.P.No.1482 of 2018

S.Anuradha

... Petitioner

Vs

1.State of Tamil Nadu

Represented by its Secretary,

Personnel and Administrative Reforms Department,

Fort St. George, Chennai 600 009.

2.The Tamil Nadu Public Service Commission
Represented by its Member Secretary,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai 600 003

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Certiorarified Mandamus calling for the select list published by the respondent Commission on the website on 04.01.2018 so far as the rejection of the petitioner's candidature in Roll No.010902280 and quash the same and consequently direct the respondents to consider the petitioner as Backward Class/Backward Class Women candidate and select and appoint her to any of the posts notified by the second respondent Commission vide Notification No.7 of 2015 dated 30.04.2015 if she comes within the zone of consideration.

For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.V.Jayaprakash Narayanan (for R1)
Special Government Pleader

Dr.M.Devendran (for R2)
Standing counsel

C O M M O N O R D E R

Mr.M.Jeevanandham (Regn. No.270117049), who is the petitioner in WP. No.878/2018 belonging to MBC community, has applied for the posts included in Combined Civil Services Examination II (Interview Posts) (Group II Services), pursuant to the Notification issued by the TNPSC in Notification No.7 of 2015 dated 30.04.2015.

2.Ms.S.Anuradha (Regn. No.010902280), who is the petitioner in WP. No.1482/2018 belonging to BC community, has applied for the posts included in Combined Civil Services Examination II (Interview Posts) (Group II Services), pursuant to the Notification issued by the TNPSC in Notification No.7 of 2015 dated 30.04.2015.

3. It is submitted by the learned counsel for the petitioners that as per the Notification, one has to pass through three stages viz., (i) Preliminary examination; (ii) Main written examination; and (iii) An oral test in the shape of an interview. As per the Notification, the reservation to an extent of 20% is made for Persons Studied in Tamil Medium (PSTM) category, but, the petitioners have applied only under Normal

Category. The petitioners have passed both Preliminary and Written examinations and thereafter, they have also attended for the Certificate Verification. After that, the Provisional Selection List was issued by the Tamil Nadu Public Service Commission, in which the candidatures of the petitioners have been rejected for not satisfying the eligibility conditions as per the norms stipulated in the Notification. Admittedly, the petitioners did not apply under the PSTM category, however, they have filled the application stating the medium of instruction as Tamil. However, without taking note of the same, the respondent TNPSC have wrongly rejected the petitioners' candidature as if they have wrongly claimed under PSTM category. Therefore, the petitioners have come before this Court.

4. The sole contention of the learned counsel for the petitioners is that although the petitioners have not applied under the PSTM category, they have shown their medium of instruction as Tamil in application, therefore, the presumption of the TNPSC as if the petitioners have not applied under PSTM category cannot be entertained. It is further stated that if the petitioners have secured the cut-off marks of normal category, then they will not claim under the PSTM category. Therefore, accepting their case, this Court directed the TNPSC to produce the marks secured by the petitioners and to submit the reason for their rejection.

5. Today, in a sealed cover, a confidential note was produced before this Court. On perusal of the same, it is seen that Mr.M.Jeevanandham (Registration No.270117049), who belongs to MBC category, has secured 96.50 marks as against the cut-off marks of 100 fixed by the TNPSC for the said category. Similarly, Ms.S.Anuradha (Registration No.010902280), who belongs to BC category, has secured only 87 marks as against the cut-off marks of 93 fixed by the TNPSC for the said category. Therefore, as the petitioners have admittedly secured below the cut-off marks, their prayer seeking a direction to the respondents to consider them for appointment is liable to be rejected.

6. At this stage, learned standing counsel appearing for the TNSPC requested before this Court not to mention the cut-off mark fixed by the respondent TNPSC, however, I do not find any merit on the said submission, for, for better understanding of the claim of the petitioners, it is necessary to mention the cut-off marks to reject the claim of the petitioners as it would depict how the petitioners have secured lesser marks than the cut-off marks. Needless to state that that, in future, if the respondents are going to prepare the second selection list by modifying the cut off marks, it is for the respondents to consider the claim of the petitioners, if they come well within the zone of the said cut-off marks.

7. Accordingly, for the reasons stated above, these writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sai / rkm
To

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

2.The Secretary,
State of Tamil Nadu
Personnel and Administrative Reforms Department,
Fort St. George, Chennai 600 009.

3.The Member Secretary,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar, Park Town,
Chennai 600 003

+1 cc to Mr.M.Devendran Advocate sr 7173
+1 cc to Mr.G.Sankaran Advocate sr 7398
+1 cc to M/s.Dakshayini Reddy Advocate sr 7404

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