

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.72 of 2018
and
C.M.P.Nos.651 and 652 of 2018

S.P.Murugan

... Appellant/Writ Petitioner

... Vs ...

1. The Secretary to Government,
Personal and Administrative Reforms Department,
Fort St. George,
Chennai - 600 009.
 2. The Chairman,
Tamil Nadu Pubic Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
 3. The Secretary,
Tamil Nadu Pubic Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
 4. The Controller of Examination,
Tamil Nadu Pubic Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
- Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of The Letters Patent,
against the order dated 12.10.2017 passed by this Court in
W.P.No.21161 of 2017.

WP.No.21161 of 2017:Writ Petition filed under Article 226 of the
Constitution of India seeking a Writ of Mandamus directing the
respondents 2 to 4 to adopt the procedure of 1.50 ratio for
writing the main examination for Group - I to be held on
13.10.2017 to 15.10.2017 or subsequent dates in the place of
candidates who failed to succeed certificate verification for
writing main examination

For Appellant : Mr.C.Prakasam
For R-1 : Mr.P.S.Siva Shanmuga Sundaram,
Special Government Pleader
For RR-2 to 4 : Ms.C.N.G.Niraimathi
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JUDGMENT

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

Writ Appeal is directed against the order dated 12.10.2017 passed by the learned Single Judge, dismissing the writ petition filed by the appellant in W.P.No.21161 of 2017, which was filed to direct the respondents 2 to 4 to adopt the procedure of 1:50 ratio for writing the main examination for Group-I to be held from 13.10.2017 to 15.10.2017 or subsequent dates in the place of candidates, who failed to succeed certificate verification for writing main examination.

2. Heard the learned counsel for the parties for some time.

3. It is the case of the appellant that he has applied for various posts under Group-I Service, pursuant to the Notification No.19/2016 dated 09.11.2016 inviting applications from eligible candidates for direct recruitment against 85 vacancies issued by Tamil Nadu Public Service Commission. The appellant was placed with the interview card and he has written preliminary examination and subsequently, passed the same. Thereafter, except the appellant, other eligible candidates were called for certificate verification.

4. Learned counsel appearing for the appellant herein/writ petitioner submitted before the writ Court that when 85 vacancies are notified in the Notification, the respondents should have invited 4250 candidates ($85 \times 50 = 4250$) at the ratio of 1:50, which has not been done and therefore, sought for a direction to the respondents 2 to 4 to follow 1:50 ratio.

5. The Deputy Secretary of TNPSC, Chennai, has filed a detailed counter affidavit before the writ Court stating that all the candidates, who have secured cut off marks in each reservation category, had been called for main written examination at the ratio of 1:50. When there are 85 vacancies available, after admitting 2,17,773 candidates in the preliminary examination, 79,918 candidates remained absent and only 1,37,855 candidates have appeared. Finally, 4,602 candidates were qualified for main written examination. In addition thereto, 352 candidates were called for with the same

cut off marks, which shows that the respondents have not only invited candidates at the ratio 1:50, but, more than the ratio 1:50.

6. After hearing both sides, the learned single Judge has dismissed the writ petition filed by the appellant herein and while dismissing the writ petition, the learned single Judge has observed as follows:-

"I am unable to agree with the said contention made by the learned counsel appearing for the petitioner. The first reason is when there are 85 vacancies available at the time of issuing notification no.19/2016 dated 09.11.2016, after holding the preliminary examination but before conducting the main written examination, the TNPSC have invited the candidates, who are selected in the preliminary examination at the ratio of 1:50. If any one out of 1:50 failed to turn up, I do not find that the TNPSC shall once again substitute the other candidates in the place where the candidates have failed to turn up, therefore, the Writ Petition is liable to fail. Secondly, yet another contention made by the learned counsel appearing for the petitioner is that the petitioner should be informed of his marks so as to find out whether he comes within the zone of considering the cut off mark. Placing an order dated 15.04.2015 passed by the Hon'ble Division Bench of this Court in W.P.No.10010 of 2015, Ms.C.N.G.Niraimathi, learned counsel appearing for the respondents 2 to 4 submitted that the marks secured by the candidate in the preliminary examination need not be disclosed before the entire selection process is completed and that the same issue is seized before the Larger Bench for consideration."

Aggrieved against the said order, the present Writ Appeal is filed by the appellant before this Court.

7. It appears that as per the policy decision, the Tamil Nadu Public Service Commission has taken a decision to follow the ratio of 1:50 for writing the main examination and as such, looking into various aspects, it has fixed the ratio as 1:50. The demand of the Government appears to be accommodated and it cannot be often changed at the instance of beneficiaries and it cannot be extended from time to time and such decision taken neither shown to be arbitrarily nor discriminatory. Hence, the writ appeal is liable to be dismissed.

8. In view of the above said reasons, the Writ Appeal is dismissed confirming the order passed by the learned Single Judge in W.P.No.21161 of 2017, dated 12.10.2017. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Jrl

To

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Park Town, Chennai - 600 003.

+1 cc to Govt Pleader sr 9399

+1 cc to Mr.C.Prakasam Advocate sr 8884

W.A.No.72 of 2018

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