

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Fifth day of June Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE V.BHARATHIDASAN

and

THE HON'BLE MR.JUSTICE V. PARTHIBAN

WMP No.15815 of 2018

IN WP.13420/2018

P.PONMURUGESA PANDIAN

[PETITIONER]

Vs

THE SECRETARY,
TAMILNADU PUBLIC SERVICE COMMISSION,
CHENNAI.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an interim direction, directing the respondent to issue a hall ticket to writ the ongoing Civil Judge Examination to be held on 09.06.2018 pending disposal of the above writ petition No.13420/2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.SANKARASUBBU, Advocate for the petitioner and of MRS.C.N.G.NIRAIMATHI, Standing Counsel on behalf of the Respondent, the court made the following order:-

[Order of the Court by V.PARTHIBAN, J.]

The petitioner has approached this Court by filing a petition in W.M.P.No. 15815 of 2018 in W.P.No. 13420 of 2018 to challenge the rejection of the application filed by him for the post of Civil Judge 2018 as per notification dated 09.04.2018. The reason for rejection of the application is on the ground that he has not passed All India Bar Examination conducted by the Bar Council of India.

2. According to the learned counsel for the petitioner, while filling up the application form, a small error had crept in, which

has resulted in the rejection of the application of the petitioner to participate in the selection conducted for the post of Civil Judge. The petitioner has completed Law degree in the year 2004 itself as could be seen from the provisional certificate and Enrolment Certificate dated 31.08.2004 and 20.10.2004 respectively, which were annexed in the form of typed set of papers. Unfortunately, the petitioner while filling up the application form for the aforesaid post had wrongly mentioned the year of completion of the degree as '31.08.2014' instead of '31.08.2004' which would go to show, as if, the petitioner did not pass the All India Bar Examination, which is mandatory as per Notification in the impugned selection and which ultimately resulted in the rejection of his application.

3. The persons, who have completed their law degree after 2009-2010, are required to pass All India Bar Examination. The petitioner has obtained his law degree and enrolled himself as early as 2004 as evidenced from the documents filed along with the Writ Petition. It appears that the rejection of candidature is only on the ground as stated above. It is also admitted that otherwise the petitioner is qualified to participate in the impugned selection.

4. We are therefore of the view that the petitioner should be allowed to participate in the written examination, which is scheduled to be held on 09.06.2018 and the error, which the petitioner had committed due to his inadvertence, while filling up the application form, ought not to be held against him and it should not result in denial of valuable right of the petitioner for participating in the ensuing selection process.

5. We therefore direct the first respondent to permit the petitioner to participate in the written examination scheduled to be held on 09.06.2018 and also in the subsequent selection process if he is otherwise qualified. In this connection, the respondent /Service Commission is directed to issue necessary hall ticket to the petitioner on or before 07.06.2018 so as to enable him to participate in the written examination scheduled to be held on 09.06.2018. The learned counsel for the first respondent is directed to inform the same to the respondent/Service Commission and facilitate the Service Commission in furnishing the hall ticket to the petitioner on or before 07.06.2018.

-sd/-

05/06/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY,
TAMILNADU PUBLIC SERVICE COMMISSION, CHENNAI.

C.C. to M/S.R.SANKARASUBBU Advocate SR.NO. 6334

Order

in
WMP.15815/2018

in
WP.13420/2018

Date :05/06/2018

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