

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Writ Petition No.19304 of 2018

and

W.M.P.Nos.22711 & 22712 of 2018

P. Ganapathy ... Petitioner

vs.

1. The TamilNadu Public Service Commission,
rep. by its Secretary,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 600 003.

2. The Controller of Examination,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town,
Chennai 600 003

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus to call for the records in respect of provisional selection list published in website of "www.tnpsc.Govt.in" dated 11.07.2018 admitted the candidates to the main examination for the post of civil judge in the Tamil Nadu Judicial Service and quash the same and direct the respondents to issue result of preliminary examination in a ratio 1:10 in accordance with clause 11 para 2 and clause 11(A)(i) of notification No.8/2018, dated 09.04.2018 and in the light of amendment to the Tamil Nadu State Judicial Service (Cadre and Recruitment Rules, 2007)

For Petitioner : Mr. P.Ganapathy
party in person

For respondents : Mrs. C.N.G.Niraimathi,
Standing Counsel for TNPSC
for R1 & R2

ORDER

(Order of the Court was delivered by V.BHARATHIDASAN.J.,)

This writ petition has been filed challenging the selection list published by the first respondent, Tamil Nadu Public Service Commission in respect of the preliminary examination conducted for direct recruitment to the post of Civil Judges in the Tamil Nadu State Judicial Service.

2. According to the petitioner, the first respondent/Commission called for an application for appointment of Civil Judges by direct recruitment and the petitioner has also applied for the same. The selection to the post involves of 3 stage process, viz., preliminary examination, Main examination and viva-voce. As per the notification, the minimum mark for pass in the preliminary examination was fixed as follows :-

1. For the candidates belonging to
scheduled
scheduled caste (A) and scheduled Tribe - 30 marks
2. For candidates belonging to backward class
(OBCM), Backward Class
(M) and Most - 35 marks
Backward Class/Denotified community
3. For others - 40 Marks

The grievance of the petitioner is that even though the minimum pass mark is 35, now the respondent/Commission fixed the cut off mark as 55 and as per the notification, candidates will be short listed for admission to the main examination on the ratio not exceeding 10 times of number of vacancies. Now, as per the result published by the first respondent/Commission, they have short listed the ratio at 1.1, which is in violation of the notification. Hence, he challenged the result published by the first respondent/Commission.

3. We have heard the petitioner-in-person, and the learned counsel appearing for the respondents and perused the materials available on record.

4. We found both the grounds raised by the petitioner cannot be countenanced for the simple reason that as per the notification only a minimum pass mark is fixed by the Commission for appearing for the main examination, it only means that candidate who scored a minimum 35 marks alone eligible for consideration for appearing in the main examination, and it does

not mean that the candidate, who scored 35 marks is automatically entitled to write the final examination. Apart from that, 1.10 ratio fixed by the Commission is only a maximum number of candidates to be short listed for appearing for the final examination. Ultimately , it is for the Commission to decide how many candidates should be short listed for appearing in the main examination depending upon the marks obtained by the candidates in the preliminary examination.

5. In the said circumstances, both the grounds raised by the petitioner do not have any merit and the writ petition deserves to be dismissed.

6. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The TamilNadu Public Service Commission,
rep. by its Secretary,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 600 003.
2. The Controller of Examination,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town,
Chennai 600 003.

WEB COPY

W.P.No. 19304 of 2018

EV(CO)
EU(28/09/2018)