



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP(MD) No.11252 of 2018

IN

WP(MD) No.12365 of 2018

S.PONNUSAMY

... PETITIONER / PETITIONER

Vs

TAMILNADU PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY,
FRAZER BRIDGE ROAD, VOC NAGAR,
PARK TOWN, CHENNAI - 03.

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Ad Interim Direction directing the Respondent to issue hall ticket and permit the Petitioner to Write the Examination conducted on 10.06.2018 for the post of Motor Vehicle Inspector grade -II.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.BALASUBRAMANI, Advocate for the petitioner and of Mr.D.SIVARAMAN, Standing Counsel for TNPSC on behalf of the Respondents , while admitting the WP., the court made the following order:-

It is the case of the petitioner that the petitioner had applied to the respondent Service Commission pursuant to the notification issued by the TNPSC dated 14.02.2018 for the appointment to the post of Motor Vehicle Inspector Grade II. He claimed that the online application as well as the hard copy of the application with relevant documents had been applied/furnished in time ie., on or before 13.03.2018 and on or before 25.03.2018 respectively.

2. In spite of the said compliance, the petitioner's candidature has been rejected and the Hall Ticket for the written examination scheduled to be conducted by the respondent on 10.06.2018 for selection of Motor Vehicle Inspector has been denied.



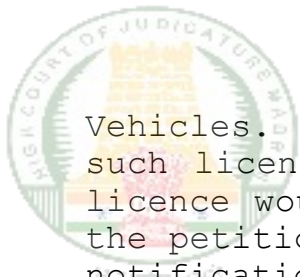
3. After having known to the fact that the Hall Ticket was not given, the petitioner came to know about such rejection through the reason given by the respondent through online, according to which, the petitioner had not fulfilled the conditions/qualifications as per Clause 6(B) of the notification dated 14.02.2018. Aggrieved over the same, the petitioner has approached this Court with the present Writ Petition.

4. On instructions, Mr.D.Sivaraman, learned Standing counsel for the respondent Service Commission would submit that, the reason for rejection of the petitioner's candidature was that, according to the notification, especially, under Clause 6(B), the petitioner must have valid driving licence of plying all kinds of Heavy Vehicles for a period of six months and in this regard, a copy of the licence should have been submitted as one of the documents along with the application. While scrutinizing the documents, especially, the driving licence copy submitted by the petitioner, the respondent Commission found that the driving licence copy only carries the licence of the petitioner for driving the Motorcycle With Gear and Light Motor Vehicles. Therefore, since the petitioner, according to the said licence, do not have licence to ply/drive Heavy Motor Vehicles/Transport Vehicles, as he did not fulfill one of the main qualifications under Clause 6(B) of the notification, his application was rejected.

5. However, Mr.K.Balasubramani, learned counsel appearing for the petitioner would point out that, the petitioner is having licence to drive both the Light Motor Vehicles as well as Heavy Vehicles. In this regard, the copy of the licence sent already to the respondent Commission, though has stated the Badge Number and endorsement date as 19.04.2017, in the format of the licence in the left side column, since only the Motorcycle with gear and Light Motor Vehicle-Transport alone had been mentioned, it was wrongly construed that the petitioner do not have the licence to drive the Heavy Vehicles.

6. However, the fact remains that, according to the learned counsel appearing for the petitioner, the petitioner is having licence of Non-Transport vehicle from 19.04.2014 to 17.02.2027 and also licence for Transport Heavy Vehicles from 13.11.2016 to 12.11.2019 with Badge No.00764/2007. In this regard, online communication issued by the Transport Department pertaining to the licence of the petitioner has been filed in the typed set of papers, which has been specifically pointed out by the learned counsel appearing for the petitioner.

7. I have perused the said documents filed before this Court. No doubt, at the time of sending copy of the licence, it has not been clearly mentioned therein. Therefore, the respondent Service Commission would have construed that the petitioner is having driving licence only to drive Light Motor Vehicles and not for Heavy



Vehicles. However, the fact remains that the petitioner is having such licence to drive Heavy Vehicles even from 13.11.2016 and such licence would be available till 12.11.2019. It cannot be said that the petitioner does not have the Heavy Vehicle licence as on date of notification ie., 14.02.2018.

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8. Since that was the only reason for which the petitioner's candidature was rejected and the said reason, at least, prima facie, is now cleared by the online communication issued by the Transport Department and the same has been filed before this Court, this Court is of the view that the petitioner's candidature shall not be rejected on the said ground.

9. In view of the above, since the written examination is scheduled to be conducted on 10.06.2018, this Court is inclined to pass the following interim order:

(i) The respondent Service Commission is directed to issue Hall Ticket to the petitioner for the written examination to be conducted on 10.06.2018 in the selection process for the post of Motor Vehicle Inspector pursuant to the notification No.3/2018 dated 14.02.2018 and the petitioner shall be accordingly, permitted to write the said examination ;

(ii) It is made clear that the result of the examination of the petitioner shall be withheld until further orders to be made by this Court;

(iii) It is further made clear that merely because the petitioner is permitted to write the written examination to be held on 10.06.2018, the petitioner shall not claim any equity, if ultimately, the writ petition is decided against him.

sd/-
08/06/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: The learned standing counsel for the respondent Service Commission is requested to forward this copy of the order immediately to the Service Commission enabling them to comply with the order of this Court by uploading Hall Ticket of the candidate immediately with an intimation over phone, so that, the candidate can retrieve the same through online and can attend the examination on 10.06.2018.



TO

THE SECRETARY,
TAMILNADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD, VOC NAGAR,
PARK TOWN, CHENNAI - 03.

+1. C.C. to Mr.K.BALASUBRAMANI Advocate SR.No.10001
+1 CC TO Mr. D.SIVARAMAN , Advocate, Sr.No. 10000

PM
JAM/08/06/2018/ PN/VK 4P-4C

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Date :08/06/2018