



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P (MD) No.181 of 2013
and
M.P. (MD) No.1 of 2013

Mahendran

... Petitioner

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
Park Town,
Near Government Dental College,
Chennai - 3.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's name for the posts included in the CSSE - I Exam, 2010 and further direct them to keep one post vacant in the Backward Class OTM - (General) - Tamil Medium Category for the CSSE - I Exam 2010.

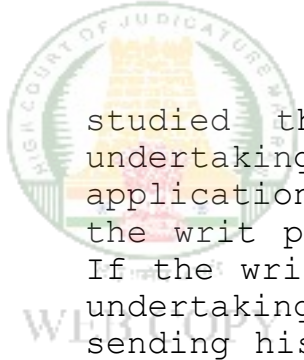
For Petitioner : Mr.V.Sankaranarayanan
For Respondent : Mr.K.K.Senthil

ORDER

The relief sought for in this writ petition is for a direction to direct the respondent to consider the petitioner's name included in the CSSE - I Exam, 2010 and further direct them to keep one post vacant in the Backward Class OTM - (General) - Tamil Medium Category for the CSSE - I Exam 2010.

2.The learned counsel for the writ petitioner states that he had completed Diploma in Mechanical Engineering and B.A., (Social and Civics Studies). The writ petitioner belongs to Backward Class category. The Government has granted the benefit in respect of the students studied in Tamil Medium. Accordingly, 20% of all vacancies are to be provided to those candidates, who had studied in Tamil Medium. The writ petitioner is eligible to avail the priority provided in the Government Order. However, the same had not been extended by the respondent.

3.The respondent filed a counter by stating that the writ petitioner had failed to enclose either the evidence for having



studied the prescribed qualification in Tamil Medium or the undertaking regarding the medium of instruction as Tamil with the application for the posts included in CSSE-I, 2009-2011. Therefore, the writ petitioner was not considered for reservation under PSTM. If the writ petitioner had enclosed the Tamil Medium certificate / undertaking regarding the medium of instructions as Tamil, while sending his application for direct recruitment to the post included in CSSE-I, his name would have been included under persons studied in Tamil Medium. Since he has not enclosed the said certificate, the writ petitioner was considered under Backward Class (Other than Tamil Medium) General with reference to the claim made by him as Backward Class.

4.This apart, the marks obtained by the last candidate, who was summoned to oral test in the said category is 235.50 for common degree post but the writ petitioner had secured only 231 marks. Thus, he was not even called for oral test. Since the writ petitioner was not within the zone of consideration, his case was not considered.

5.Under these circumstances, this Court is not inclined to consider the case of the writ petitioner for grant of relief as such sought for in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The Secretary,
Tamil Nadu Public Service Commission,
Park Town,
Near Government Dental College,
Chennai - 3.

+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 50360

MM

TE/SKN-RSK/SAR-1 : 26/03/2018 : 2P/3C