

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3225 of 2019

and

WMP.Nos.3477 & 3481 of 2019

P.Ezhilmalar

...Petitioner

Vs

1. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order in the nature of Writ of Certiorarified Mandamus, calling for the records in respect of the CML dated 08.01.2019 issued by the respondent the Secretary, Tamil Nadu Public Service Commission, Chennai-600 003 to quash the same and direct the respondent the Secretary, Tamil Nadu Public Service Commission, Chennai-600 003.

For Petitioner : M/s.P.Ezhilmalar
Party in Person

For Respondent : Mr.M.Loganathan
Standing Counsel for TNPSC

O R D E R

The process of selection to the post of Agricultural Officer (Extension), in the Tamil Nadu Agricultural Extension Service, undertaken by Tamil Nadu Public Service Commission is under challenge in the present writ petition.

2. The writ petitioner appearing in person in the present writ petition on hand articulated her case by stating that she is a meritorious candidate and she is possessing Doctorate in Agriculture. Twice she appeared for Group-II services and 3rd time she appeared in the selection process for appointment to the post of Agricultural Officer.

3. The grievances of the writ petitioner is that, though she is meritorious and possessing Ph.D in Agriculture, her candidature was not considered with reference to her additional qualifications of Doctorate in Agriculture. This Court is of an opinion that, all appointments are to be made only under the Constitutional Scheme and by following the recruitment rules in

force. Equal opportunity in public employment is the Constitutional mandate. All eligible candidates who all are aspiring to secure public employment through open competitive process are to be provided with an opportunity to participate in the selection process. Selections are made to the public posts not only based on the educational qualifications and also the additional educational qualifications. The Selection process is being done in a particular manner, prescribed by the Tamil Nadu Public Service Commission uniformly.

4. Thus, the writ petitioner has to succeed in the selection process conducted by the Tamil Nadu Public Service Commission. The process of selection can be challenged, if there is a malpractice, corrupt activities or any illegality or in violation of the rules in force. In these legal grounds, the process selection can be challenged. However, in the absence of establishing any one of such legal ground, the process of selection cannot be questioned merely on the ground that the writ petitioner possess the additional educational qualification of Doctorate in Agriculture. Such a degree may be helpful for efficient functioning. However, to succeed in the selection process, the writ petitioner has to secure the cut-off mark in the written examination as well as succeed in the oral tests to be conducted by the Competent Authorities.

5. Admittedly, the writ petitioner has secured 337.25 marks under the MBC women category. The cut-off marks fixed for MBC women category for recruitment to the post of Agricultural Officer (Extension) is concerned 341. Thus, the writ petitioner has secured about 3.75 marks lesser than the cut-off mark set out for selection. When the writ petitioner has not succeeded in the selection process, this Court is of an opinion that the relief sought for in the present writ petition cannot be granted.

6. The writ petitioner though appeared in person has fairly submitted the facts and circumstances of her case. She has not suppressed any material facts. Thus, this Court wishes her to secure public employment through merit and accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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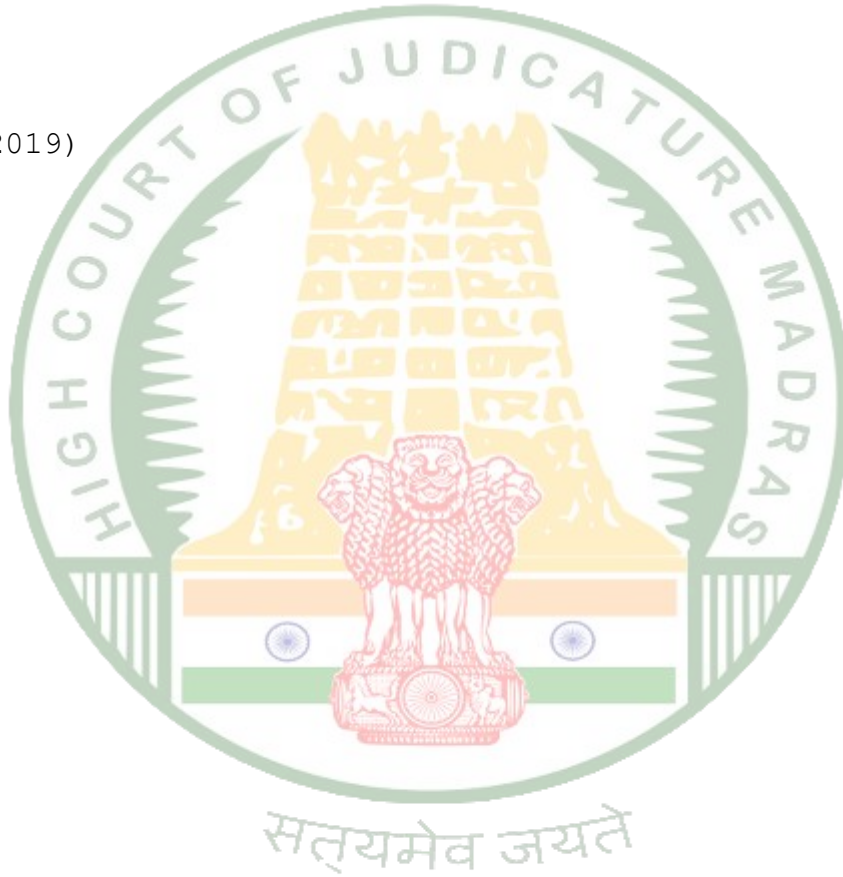
To

1. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003

+1 CC to Mr.M.Loganathan, Advocate sr 12251.

W.P.No.3225 of 2019

PM(CO)
SP(14/03/2019)



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