

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15011 of 2015

S.Arul Mary

... Petitioner

vs.

1. The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar, Park Town,
Chennai 600 003.
2. The Director,
Directorate of Horticulture and Plantation,
Ezhilagam, Chepauk,
Chennai 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified mandamus to call for the records pertaining to the impugned order passed by the 1st Respondent in Memo No.7312/OTD-E2/2013, dated 07.05.2015 and quash the same and consequently direct the 1st Respondent to permit the petitioner to take part in the Oral Test (Interview) for the post of Horticultural Officer to be held between 01.06.2015 and 04.06.2015 or such other future dates to be conducted by the 1st Respondent.

For Petitioner : Mr.S.Conscious Ilango

For 1st Respondent : Ms.C.N.G.Niraimathi

For 2nd Respondent : Mr.P.Sivashanmuga Sundaram,
Special Govt. Pleader

O R D E R

Petitioner has come up with the present Writ Petition challenging the impugned order passed by the 1st Respondent in Memo No.7312/OTD-E2/2013, dated 07.05.2015 and for a consequential direction to the 1st Respondent to permit her to take part in the Oral Test (Interview) for the post of Horticultural Officer to be held between 01.06.2015 and

04.06.2015 or such other future dates to be conducted by the 1st Respondent.

2. It is stated by the Petitioner that as per Notification No.21/2013, dated 17.12.2013, eligible candidates were called for direct recruitment to the post of Horticulture Officer for the year 2013-2014 against 103 vacancies. The Petitioner had applied to the said post and Certificate verification was completed in the year 2015. But, her case was rejected on the ground that she has not paid the examination fee, which was informed to the Petitioner vide impugned order dated 07.05.2015.

3. Learned counsel for the Petitioner submitted that there six women candidates, who have applied to the post of Horticulture Officer and that the Petitioner, who is in Serial No.2 belongs to B.C. Category. He went on to submit that there is no need for payment of examination fee for three attempts and that though the petitioner did not pay the examination fee initially, subsequently, on coming to know that fee has to be paid, she submitted another application along with the requisite fee.

4. Since the Petitioner's case was not considered for selection to the post of Horticulture Officer, she is before this Court with the above Writ Petition. This Court, on 21.05.2015, passed an interim order that the Petitioner need to pay appropriate fee within a week from that date and directed the 1st Respondent to permit the Petitioner to take part in the Interview on payment of such fee. Pursuant to the said order of this Court, the Petitioner paid the Examination fee and it is reported that the Petitioner came out successful in the Interview.

5. Though the learned counsel for the Petitioner, in support of his case, has relied on a decision of a Division Bench of this Court in the case of R.Kanagapriya vs. The Secretary, Tamil Nadu Public Service Commission, Chennai rendered in W.P.No.29873 of 2016 vide order dated 19.12.2016 and the learned counsel appearing for the 1st Respondent, to substantiate her stand, has relied on a Division Bench decision of this Court in the case of Dr.M.Vennila vs. Tamil Nadu Public Service Commission, Chennai reported in CDJ 2006 MHC 1286, this Court, without considering the same, is inclined to consider the case of the Petitioner on merits.

6. Taking note of the fact that the Petitioner is successful in the Interview and that she is placed in Serial No.2 in the Selection list to the post of Horticulture Officer, this Court directs the Respondents to consider the case of the

Petitioner by giving necessary relaxation to her age and qualification, however based on eligibility, for the purpose of appointment to the post of Horticulture Officer.

7. The issue of non-payment of examination fee by the Petitioner initially at the time of making the Application to the post of Horticulture Officer, need not be gone into the present Writ Petition and the same is left open.

This Writ Petition is disposed of with the above direction and observation. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C. Nagar,
Park Town,
Chennai 600 003.
2. The Director,
Directorate of Horticulture and Plantation,
Ezhilagam, Chepauk,
Chennai 600 006.

+1cc to Mr.S.Conscious Ilango, Advocate, S.R.No.50008
+1cc to the Government Pleader, S.R.No.51195

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BS (CO)
CS/29/07/2019

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