

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
and
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.3722 of 2019
and
W.M.P.No.4116 of 2019

S.Ganesh
Petitioner

...

Vs

1.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai-600 003.

2.The Registrar General,
Madras High Court,
Madras - 600 104.

... Respondents

PRYER:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to issue Writ of Mandamus, Directing the 2nd respondent to consider the candidature of the petitioner for appointment to the post of Civil Judge on the basis of the performance of the petitioner in the written examination held on 11.08.2018 and 12.08.2018 by awarding one more mark for Law Paper -III.

For Petitioner : Mr.Govardhanan
for Mr.M.Gnanasekar

For Respondents : Ms.CNG.Niraimathi for R1
Mr.B.Vijay for R-2

ORDER

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

This writ petition has been filed seeking a direction to

the second respondent to appoint the petitioner for the post of Civil Judge by awarding one more mark for Law Paper -III.

2.The case of the petitioner is that, he has written the Main Examination for Law Paper -III, for the post of Civil Judge, conducted by the first respondent/Tamil Nadu Public Service Commission,(in short commission). In the above said Law Paper -III, namely, Preliminary Law Examination, the petitioner acquired only 34 marks, but the minimum qualifying mark in respect of the petitioner's category is 35. Since he has obtained one mark less than the required qualifying mark, the present writ petition is filed for a direction to the first respondent to consider his candidature by awarding one mark extra.

3.Admittedly, the petitioner has obtained 34 marks in the Preliminary Main Examination Law Paper - III, but as per the notification issued by the commission, the minimum qualification mark is 35 and there is no provision available to add one mark to the petitioner. Unless the petitioner establishes that there is an error in totalling the marks, the petitioner is not entitled to get one more mark, it is also not the case of the petitioner that there is an error in re-totalling the marks. In the circumstances, the prayer sought for in the writ petition cannot be granted and it is liable to be dismissed.

4.The learned counsel appearing for the petitioner submitted that the petitioner has applied for photocopy of the answer sheet under the Right to Information Act, so far the copy of the answer sheet was not provided to him. The learned counsel for the petitioner further submitted that the first respondent/Tamil Nadu Public Service Commission may be directed to furnish the copy of the answer sheet.

5.Ms.CNG.Niraimathi, the learned counsel appearing for the first respondent submitted that the petitioner if applied for the copy of the answer sheet, under Right to Information Act, first respondent is ready and willing to provide the same.

6.Considering the fact that the petitioner has already applied for the answer sheet, the first respondent/Tamil Nadu Public Service Commission is directed to furnish the copy of the answer sheet to the petitioner within a period of two weeks from the date of receipt of copy of this order.

7.With the above observation, the writ petition shall stand dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai-600 003.

2.The Registrar General,
Madras High Court,
Madras - 600 104.

+1 cc to Mr.M.Gnanasekar, Advocate, Sr.No. 10682

W.P.No.3722 of 2019

MG(CO)
CSL/26.06.2019