

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.02.2019

CORAM

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

W.P. NO. 13582 OF 2018

AND

W.M.P. NOS. 16003 & 16004 OF 2018

S.Kavipriya ... Petitioner

- Vs -

The Secretary
Tamil Nadu Public Service Commission
TNPSC Road, VOC Nagar
Park Town
Chennai 600 003. ... Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records in respect of rejecting the application No.808002244 pertaining to Notification No.08./2018 (Notification to fill up the post of civil Judge in the State of Tamil Nadu) with the respondent and quash the same and further direct the respondent to permit the petitioner to write the preliminary examination to be held on 9.6.2018.

For Petitioner : Mr. C.Viswanath

For Respondent : Ms. C.N.G.Niraimathi, Stg. Counsel

ORDER

(MADE BY V.PARTHIBAN, J.)

The petitioner is a practising advocate, having obtained her law degree from Dr.Ambedkar Government Law College, Puducherry during the academic years 2004-2009. During the course of her studies, the Puducherry University has granted her B.A. (Academic Law) degree for the candidates, who had passed three years subjects and a separate convocation certificate was issued to that effect. On completion of the course in the academic year 2008, the petitioner was issued with a degree on 20.03.2009. The provisional degree certificate was also issued to the petitioner for completion of the 5 years integrated course on 31.08.09 itself. Thereafter, the petitioner had enrolled herself as an advocate before the Bar Council of Tamil

Nadu & Puducherry on 16.9.09 and her Enrolment Number being MS.1600/2009.

2. The petitioner herein had applied for appointment to the post of Civil Judge in the State of Tamil Nadu pursuant to the notification issued by the respondent, viz., Tamil Nadu Public Service Commission, on 9.4.2018. Her online application filed through the Commission's website was accepted. When the hall tickets were issued, it was found that the petitioner's hall ticket was not generated in the computer. On enquiry, she came to know that her application was rejected on the ground that she had not passed the All India Bar Examination conducted by the Bar Council of India. According to the petitioner, she had completed the law degree course successfully in the year 2009 itself and enrolled in 2009. Passing of All India Bar Examination conducted by the Bar Council of India became mandatory only from the academic year 2009-2010, but the fact remains that the petitioner had completed her law degree in the year 2009 itself and, thereafter, had enrolled as an advocate in the year 2009.

3. In the above circumstances, the petitioner approached this Court with the present writ petition and this Court, vide its order dated 6.6.18, had directed the Tamil Nadu Public Service Commission (for short 'Public Service Commission') to permit the petitioner to participate in the selection process. This Court further directed the respondent to permit the petitioner to participate in all stages of the selection process, if she was otherwise found to be qualified and eligible. Pursuant to the said direction, the petitioner was permitted to participate in the selection process. The selection process for the Civil Judges post was completed and the results were also notified by the Public Service Commission.

4. When the matter is taken up for hearing today, i.e., 01.02.2019, learned counsel for the petitioner informed the Court that the petitioner had come out successful in all the stages of the selection and she is entitled to be issued with an appointment letter. However, in view of the pendency of the writ petition, her appointment is kept pending. The fact that the petitioner has come out successful in all stages of the selection process has been acknowledged by the learned standing counsel appearing for the Public Service Commission.

5. It is evident from the materials available on record that the petitioner had successfully completed her 5 year law degree course in 2009 itself and had enrolled as an advocate with the Bar Council of Tamil Nadu & Puducherry on 16.9.09. However, instead of mentioning the date on which she completed her law degree, inadvertently, she had mentioned the date, i.e.,

19.7.10, the date on which her convocation certificate was issued, as the date of completion of her law degree, which resulted in her application being rejected on the ground that she had not passed the All India Bar Examination conducted by the Bar Council of India. The above small error, which had crept in while mentioning the date of passing of the law course had invited the action of the Public Service commission in rejecting her application.

6. In the above backdrop, this Court had permitted the petitioner to participate in the selection process and also directed the Public Service Commission to allow the petitioner to participate at all levels in the selection process, if otherwise she was found to be qualified and eligible. On the basis of the said direction, the petitioner was allowed to participate at all the levels of the selection process and eventually it appears that the petitioner has come out successful in the selection process.

7. In the above circumstances, this Court finds that the minor error, which was the cause of the rejection of the petitioner's application could be ignored, which would enure to the benefit of the petitioner as she was not required to pass the All India Bar Examination conducted by the Bar Council of India, as she had obtained her law degree in the year 2009 itself and had also enrolled as an advocate in the same year.

8. In view of the discussion above, this Court allows the writ petition and directs the Public Service Commission to include the name of the petitioner in the final select list of candidates to be appointed as Civil Judge in pursuance to the notification issued by the respondent, dated 09.04.2018. The respondent is further directed to comply with the above order within a period of one week from the date of receipt of a copy of this order. The grant of appointment to the petitioner shall also be considered along with other selected candidates. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

GLN

To

The Secretary
Tamil Nadu Public Service Commission
TNPSC Road, VOC Nagar
Park Town, Chennai 600 003.

+1cc to Mr.SC.Vishwanath, Advocate SR.No.9276

W.P. NO. 13582 OF 2019

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