

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19514 of 2019

and

W.M.P.Nos.18992, 18997 and 19014 of 2019

1.B.Manoj Kumar
2.S.Jeyapraveen
3.V.Sathya

.. Petitioners

-Vs-

1.The Tamil nadu Public Service Commission,
Rep.by its Secretary,
TNPSC Road, V.O.C. Street,
Park Town, Chennai 600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Street,
Park Town, Chennai 600 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in respect of the issue of impugned Notification , viz., 1st respondent's Notification No.1/2019 dated 01.01.2019 for direct recruitment to the vacancies in the posts included in CCS-1 Examination(Group-I Services) and quash the same in so far as not enabling to publish the following details in the website of the 1st respondent or otherwise the answer sheets (OMR Sheets) of the Preliminary examination conducted on 03.03.2019 pursuant to the impugned notification, final answer keys approved by the experts committee, cut-off marks for selection for admission to Main Written examination quota wise, publish the result of the said preliminary examination containing names of the candidates, date of birth, community, Sex, Registration Nos., qualification, Medium of instruction the candidate claimed, marks they scored in the said examination etc., and consequently direct to revise the results of the preliminary examination publishes on 03.04.2019 pursuant to the said impugned notification after duly publishing the aforesaid details.

For Petitioner : Mr.S.S.Madhavan

For Respondents : Ms.C.N.G.Niraimathi

O R D E R

Writ Petition is filed challenging the order of the first respondent in his impugned Notification No.1 of 2019 dated 01.01.2019 and consequently, directing the first respondent to revise the results of the preliminary examination publishes on 03.04.2019 pursuant to the said impugned notification after duly publishing the aforesaid details.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The very same prayer sought for in this writ petition has already decided by this Court in W.P.No.13346 of 2019 by order dated 08.07.2019 and the relevant portion of the order is extracted hereunder:

" 25. In this case, ultimately it is found that the petitioner himself has not secured enough marks in his category to reach the zone of admission for the main examination. Therefore, at his instance, this Court cannot make any further probe into various other allegations raised on his behalf. In any event, admittedly, the Commission itself has identified the defects in the key answers and question and embarked upon to salvage the situation by constituting an Expert Committee. The Committee, after analysis, has recommended for evaluation of those defective question and answer keys and thereafter the marks were added, in pursuance of such recommendation. Therefore, the mistakes which were pointed out by the candidates were accepted and steps were taken immediately to rectify the same and in that process, this Court finds that no injustice has been done to any of the candidates. Hence, this Court is of the view that in the over all consideration of the merits of the case on hand, this Court need not be concerned with a minor infraction in the details submitted by the Commission, since it would not in any way tilt the balance of the case in favour of the petitioner. Therefore, this Court is of the view that the petitioner cannot have a legitimate cause for complaining in regard to the present selection. In the said circumstances, this Court is of the opinion that the petitioner has not

made out a case for intervention of this Court and therefore, the writ petition is liable to be dismissed.

26. Before parting with this case, this Court is duty bound to remind the Commission about the observations of the Division Bench of this Court, which was in fact relied upon by the learned counsel for the petitioner in Ravi Varma Vs. The Secretary, TNPSC in W.A.No.649 of 2009 [(2009) SCC Online (Mad) 1569]. The observations of the Division Bench is extracted hereunder as a reminder to the Commission.

"Before we part with this matter, we would like to express our hope that the Tamil Nadu Public Service Commission will be more careful in future while conducting the examinations. If the answers to the questions posted are to be rendered in an objective manner, the Public Service Commission should be very vigilant about the correctness of the answers. The paper setters and the examiners ought to have greater concern for the large number of candidates who give this examination and whose future career depends upon their selection. We expect the Public Service Commission to be much more thoughtful while setting papers for the future examinations to be conducted by them."

27. Unfortunately, despite the above observations of the Division Bench several years before, it appears that the Commission has not taken cue from such caution by the Court. If only the Commission has taken into consideration the observations of the Division Bench in all seriousness, it could have avoided the defects that have crept in, in the setting of questions and the identification of key answers. It appears that despite its past mistake, the Commission has handled the present important selection of Group-I Services in a cavalier fashion.

28. The Tamil Nadu Public Service Commission is a premier recruiting agency for recruitment of candidates for appointment to State Public Service. Such an agency, which is entrusted with the task of mass recruitment in various services,

cannot assume its role lightly and allow mistake of the present nature to creep in, in the selection process, quite often. The credibility of the Commission would be at stake before the public at large if the mistakes are often repeated. A philosopher said that those who cannot remember the past are condemned to repeat it. The Commission, which probably did not remember its past mistakes has repeated the same in the present selection. Therefore, in public interest, the Commission must ensure that in future selection, such mistakes do not occur. It is needless to mention that by framing defective question and keys, it is possible that meritorious candidates can lose their opportunity to be selected ultimately for public service. Not that every candidate, who participated in such selection, can afford to approach this Court for legal redress. Therefore, ultimately, the responsibility lies with the Commission to ensure free and fair selection process."

4. In the light of the above order, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Tamil nadu Public Service Commission,
TNPSC Road, V.O.C. Street,
Park Town, Chennai 600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Street,
Park Town, Chennai 600 003.

+1cc to Mr.S.S.Madhavan, Advocate, SR.No.83839

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Kak(24/10/2019)