

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19964 of 2019
and
W.M.P.No.19467 of 2019

A.A.S.Mohanraj

.. Petitioner

Vs.

1. The Secretary,
The Tamil Nadu Public Service Commission,
Frazer Road, Park Town,
Chennai - 600 003.
2. The Controller of Examination,
Tamil Nadu Public Service Commission,
Frazer Road, Park Town,
Chennai - 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents herein to restore the application of the Petitioner bearing number 901025328 dated 09.01.2019 and permit the Petitioner to appear for the main examinations for the posts in Group-I (CCS-I) that is scheduled to be held on 12.07.2019.

For Petitioner : Mr.J.Thilagaraj

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

Standing Counsel for TNPSC

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents herein to restore the application of the petitioner bearing number 901025328 dated 09.01.2019 and permit him to appear for the main examinations for the posts in Group-I (CCS-I), scheduled to be held on 12.07.2019.

2.Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents and perused the entire materials on record.

3.The learned counsel for the petitioner would submit that the petitioner is a degree holder of Bachelor of Technology in Electronics and Communication Engineering and belongs to Scheduled Caste. At present, the petitioner is working as an Immigration Assistant, Bureau of Immigration, Ministry of Home Affairs, Chennai and the said appointment is purely on a contractual basis and it will not confer any right on him for regular appointment. On 03.01.2019, the Tamil Nadu Public Service Commission issued a notification calling for applications for the posts included in Group-I (CCS) service. In order to participate in the said examination, the petitioner submitted his application through online on 09.01.2019. In the said application, one of the column which specifically stated 'Are you a government servant', in which the petitioner mentioned 'No'. The petitioner's application was accepted by the Tamil Nadu Public Service Commission on 03.02.2019. The petitioner came out successful in the preliminary examination held on 03.03.2019. The petitioner had to upload some requisite documents as directed by the TNPSC in online to appear for the main examinations. One of such documents uploaded by the petitioner was a declaration form styled as 'Government Servant Self-Declaration'. In the said declaration form in column 3, it was asked as to whether the candidate is employed temporarily under the emergency provisions. The petitioner inadvertently presumed that the term 'temporary under emergency provision' would also include employment on contractual basis. Accordingly, the petitioner filled up the said declaration form and uploaded the same along with other required documents. Thereafter, the said application was rejected by the Tamil Nadu Public Service Commission on the ground of suppression of fact in his application about his employment in government service. Immediately, the petitioner filed the present Writ Petition challenging the rejection order, in which this Court permitted the petitioner to participate in the main examination by way of an interim order. In view of the interim order granted by this Court, the petitioner participated in the main examination and however, the results were withheld. Hence, it would be suffice to issue direction to the respondents to publish the result of the main examination and to permit the petitioner to proceed further, if the petitioner came out successful in the main examinations.

4.Per contra, Ms.C.N.G.Niraimathi, learned Standing Counsel for Tamil Nadu Public Service Commission would submit that till date, the selection process was not completed and the result of the petitioner was not published as per the direction issued by this Court. Hence, liberty may be granted to the respondents to publish the results.

5.Considering the facts and circumstances of the case that though the petitioner's employment is contractual basis and he uploaded the application in habitually and however, it is not an illegality and it will not affect the selection process of the Tamil Nadu Public Service Commission. In view of the above, this Court directs the respondents to publish the result of the petitioner within a period of two weeks from the date of receipt of a copy of this order, no grievance caused to the Tamil Nadu Public Service Commission, till date the selection process was not over.

6.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
The Tamil Nadu Public Service Commission,
Frazer Road, Park Town,
Chennai - 600 003.

2. The Controller of Examination,
Tamil Nadu Public Service Commission,
Frazer Road, Park Town,
Chennai - 600 003.

+1 CC to Mr.J.Thilagaraj, Advocate sr 88149.

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BS (CO)

SP(16/12/2019)