

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

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

W.P. 34151 of 2018

and

W.M.P. 39694 of 2018

S.Surthy Sowrnarn

.. Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Principal Secretary
to Government,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai-600 009.

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

3. The Registrar General,
High Court,
Chennai-600 104.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to admit the petitioner to the oral test for selection to the post of Civil Judge on publication of the marks in the Main Written Examination conducted on 11.08.2018 and to consider the petitioner for selection to the post of Civil Judge under B.C. Reserve category, as per Notification No.08/2008, dated 09.04.2018 issued by the Tamil Nadu Public Service Commission.

For Petitioner : Mr.G.Sankaran

For Respondents : Ms.C.N.G.Niraimathi for R1

: Mr.B.Vijay for R2

ORDER

DELIVERED BY V.BHARATHIDASAN. J

This Writ Petition has been filed seeking a direction to the respondents to admit the petitioner to the oral test for selection to the post of Civil Judge.

2. The grievance of the petitioner is that she has applied for selection to the post of Civil Judge, and she has passed in the preliminary examination, and she has also wrote the main written examination, but she was not called for oral test. When the results are published, the petitioner has found that she was not selected. While the petitioner tried to verify the marks in the main entrance examination by entering her register number, she got the answer that "register number not available". In the above circumstances, she has filed the present Writ Petition.

3. Today, the Tamil Nadu Public Service Examination/ 2nd respondent has filed a counter affidavit stating that the petitioner did not secure the minimum qualifying marks of 35 in each paper, and she has secured less than 35 marks. Hence, she was not considered for oral test. The relevant portion of the affidavit filed by the 2nd respondent reads as follows :-

"It is submitted that the petitioner belongs to BC Category. As per paragraph 11A of the notification for the said post, the minimum qualifying marks for each paper is 35 and she has scored less than 35 in all papers i.e. Below qualifying marks. Hence, she was not considered for admission to oral test. Further, the marks of the candidate, who had been admitted to oral test were published by Tamil Nadu Public Service Commission on the last day of oral test. Hence, their marks need not be published again. Hence, the prayer made by the petitioner cannot be complied with."

4. Considering the above circumstances, since the petitioner did not secure the minimum qualifying marks in the main examination, she was not called for oral test. Therefore, the prayer sought in the Writ Petition cannot be granted and accordingly, the present Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Principal Secretary
to Government,
State of Tamil Nadu,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai-600 009.

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

3. The Registrar General,
High Court,
Chennai-600 104.

+1 CC to Mr.G.Sankaran, Advocate sr 13204.

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and

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EV(CO)
SP(27/04/2019)



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