



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15371 of 2012

and

M.P. (MD) No.1 of 2012

M.Sankar

... Petitioner

-Vs-

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Chennai-3.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to include the name of the petitioner in the list of selected candidates for the posts for which the Combined Subordinate Services Examination-1, 2011 was conducted.

For Petitioner : Mr.B.N.Raja Mohamed
For Respondent : Mr.K.K.Senthil

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondent to include the name of the writ petitioner in the list of selected candidates for appointment to the posts for which Combined Subordinate Services Examination-I, 2011 was conducted.

2.The writ petitioner pursuant to the recruitment notification for appointment to the posts included in the Combined Subordinate Services Examination-I, 2011 participated and accordingly, secured 229.50 marks in the written examination. However, the writ petitioner was not selected.

3.The grievance of the writ petitioner is that though he secured requisite marks in the written examination, he has not been called for oral test. By the time, when the writ petitioner enquired about the oral test, the respondent informed that the oral test was completed. Thus, the writ petitioner is constrained to move the present Writ Petition.

4.The learned counsel appearing on behalf of the respondent
<https://hcservices.mca.gov.in/hcservices/> counter affidavit made a submission that the writ petitioner was not within the zone of consideration and therefore, he was not called for the oral test. The writ petitioner was not



qualified for both oral test and non-oral test and therefore, the Writ Petition cannot be entertained.

5. In respect of the details of the writ petitioner, Paragraph Nos. 5 to 7 of the counter affidavit state that the writ petitioner was not within the zone of consideration and therefore, his case was not considered for calling for oral test. The said paragraphs are extracted hereunder:-

"5. It is submitted that the petitioner has studied Tamil as one of the subject in the degree course and not studied the degree course in the Tamil Medium (Medium of Instruction). The petitioner has not claimed PSTM and not enclosed supportive documents with his application. He belongs to Hindu, SC (Pallan) Community. It is submitted that in para 3 of the notification under heading General Information A(ii) & (iii) it has been stated as follows:

"In G.O.Ms.No.145, Personnel and Administrative Reforms (S) Department, dated 30.09.2010 the Government have issued orders to fill up 20% of all vacancies in direct recruitment on preferential basis to persons studied in Tamil Medium (PSTM) clarification in this regard is awaited from the Government. The selection for the previous recruitment of SSE-I has not yet finalized. Hence, the distribution of vacancies is not announced in this notification. The Distribution of the conduct of oral test.

(iii). Candidates who claim reservation with reference to orders issued in the above G.O. Should enclose evidence in support of their claim. Applications submitted without evidence will not be considered for the above said reservation."

6. It is further submitted that in para 10 of the notification under heading Enclosures to be sent along with Applications, it has been stated as follows:-

"Candidate should enclose attested copies of all certificates (including evidence for Educational Qualification ie., SSLC, HSC, Diploma, U.G. Degree and P.G. Degree possessed by them) as mentioned in para 15 of the Commission's instructions etc., to candidate and item 26 under part-II of Information Brochure to candidates along with a Postal Receipt to the value of Rs.100/- (Rupees one hundred only) pasted in the column provided in the application, unless exemption of fee is claimed Original Certificates should not be sent. Those applying online please refer sub para D of para 13 of this Notification / Advertisement.

In addition to the above said enclosures evidence for PSTM should be enclosed if the



candidates claim reservation for PSTM."

Hence, the petitioner has been considered under SC (General) category and has not been considered under SC-PSTM Category. He has obtained 229.50 marks in the written examination.

7.The marks obtained by the last candidate summoned for oral test (Common degree posts) under SC (General category) is 232.50. As the petitioner has not reached the zone of selection to be summoned for oral test he was not called for oral test."

6.In view of the fact that the writ petitioner was not within the zone of consideration, the relief as such sought for in the present Writ Petition cannot be granted. Further, the writ petitioner is unable to establish any other illegality or irregularity in the process of selection.

7.This being the factum, this Writ Petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to Mr.K.K.SENTHIL, Advocate (SR-78291[F] dated 29/07/2019)

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26.07.2019

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