



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) No.23088 of 2015

and

M.P. (MD) No.1 of 2015

D.Selvaraj

... Petitioner

Vs

The Secretary and Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bride Road,
V.O.C.Nagar, Park Town,
Chennai-3.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the answer booklets of Law Paper I, II, III and IV of Assistant Public Prosecutor Grade II (2011-2012) Post Code No.1797 from the respondent and consequently direct the respondent to validate the above said answer booklets by the experts of law and call for the Oral Test (Interview) and to select the petitioner's name in the Assistant Public Prosecutor Grade II in further recruitment.

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr.K.K.Senthil

ORDER

The present writ petition is filed to call for the records records pertaining to the answer booklets of Law Paper I, II, III and IV of Assistant Public Prosecutor Grade II (2011-2012) Post Code No.1797 from the respondent and consequently direct the respondent to validate the above said answer booklets by the experts of law and call for the Oral Test.

2.The writ petitioner is a practicing advocate at Madurai District Court and his enrollment No.283/2005 dated 16.03.2005. Pursuant to the recruitment notification issued vide No.4/2013 dated 06.03.2013, the writ petitioner submitted his application for direct recruitment to the post of Assistant Public Prosecutor Grade II. The grievance of the writ petitioner is that his paper was not validated on account of the fact that he put his signature in the answer sheet in violation of the instructions / rules issued to the candidates, which was notice during paper valuation. In other



words, the writ petitioner in his answer sheet put is signature contrary to the instructions.

3.The learned counsel for the petitioner states that he had received the answer sheets and in fact he had not put his signature at all. The information provided by the respondent in this regard is in correct.

4.The learned counsel for the respondent made a submission that the writ petitioner participated in the process of selection for appointment to the post of Assistant Public Prosecutor Grade II. However, he was unsuccessful in the examination. The writ petitioner had secured a total mark of 116.50 and therefore not secured the minimum marks. The petitioner was not eligible to call for the oral test. The petitioner belongs to Scheduled Caste community and minimum qualification for the Scheduled Caste category, for getting admission to the oral test was 140 marks. The petitioner has not acquired the minimum qualification marks (140 marks) for admission to the oral test, as he secured only 116.50 marks. Thus, the writ petitioner was not within a zone of consideration.

5.This Court is not inclined to consider the allegations regarding putting of the signature by the writ petitioner, in the answer sheet. However, the fact remains that the writ petitioner had not secured the minimum marks for the purpose of participating in the oral test. The minimum qualifying marks for oral test is 140 marks and the writ petitioner secured only 116.50 marks. This being the legal principles to follow, the relief sought for cannot be granted. It is left open to the writ petitioner to participate in the next process of selection if any notification is issued. This Court wishes the writ petitioner to secure appointment on merits.

6.Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

pnn



To

The Secretary and Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai-3.

+1CC TO MR.K.K.SENTHIL, Advocate Sr. No. 69326

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KG (CO)

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