



WEB COPY

W.P[MD]Nos.19338 to 19340 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]Nos.19338 to 19340 of 2015

and

M.P. [MD]Nos.1,1,1,2,2,2,3,3 & 3 of 2015

S.Baskaran	: Petitioner in W.P.[MD]No.19338/15
R.Kumaresan	: Petitioner in W.P.[MD]No.19339/15
M.Anandhan	: Petitioner in W.P.[MD]No.19340/15

Vs.

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

... Respondent

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent herein dated 19.10.2015 and quash the same as illegal, arbitrary and unsustainable in law as for as petitioner is concerned and consequently direct the respondent herein to appoint the petitioner herein to the post of Assistant Agriculture Officer 2011-2012 within a stipulated period as fixed by this Court.

For Petitioners	: Mr.S.Satheesh Kumar for Mr.S.Balamurugan
For Respondent	: Mr.K.K.Senthil for TNPSC Standing Counsel

COMMON ORDER

The list of persons selected and notified in proceedings dated 19.10.2015 for appointment to the post of Assistant Agriculture Officer is under challenge in the present writ petition.

2.The writ petitioners were unsuccessful candidates in the recruitment process conducted for appointment to the post of Assistant Agricultural Officer. Pursuant to the recruitment notification issued by the Tamil Nadu Public Service Commission, the writ petitioners had participated in the process of selection. All these writ petitioners were successful in the written examination and they were permitted to participate in the



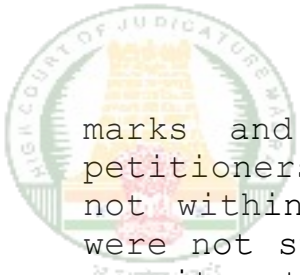
certificate verification. However, they were not permitted to participate in the oral test. Under these circumstances, the writ petitioners have chosen to file these writ petitions mainly on the ground that certain conditions were altered in the notification and the selection list is to be quashed and a revised selection is to be conducted.

3.Learned Counsel for the writ petitioner relied on the impugned list, and states that the very contention of the respondents shows that they have changed certain conditions. The annexures to the select list states that 'the candidates with the following register numbers are not reaching the zone of consideration for provisional admission to Oral Test due to the changes in the eligibility status of certain candidates after Certificate Verification'.

4.Relying on the said paragraph, the learned Counsel for the writ petitioner states that the eligibility status cannot be changed unless there is a change in the recruitment notification. Thus, the impugned select list is to be quashed.

5.Learned Counsel appearing on behalf of the Tamil Nadu Public Service Commission clarified that paragraph by stating that eligibility criteria is changed in respect of the candidates because 1:5 reads as follows for the purpose of conducting certificate verification. For one post, five candidates are called for certificate verification. Such rule is adopted because many number of mistakes and wrong informations are provided by the selected candidates. Even for availing PSTM quota, validity of the degree obtained and the certificates and its genuinity are to be verified. In order to avoid all such deletions and rejections, the TNPSC as a matter of procedure is adopting 1:5 ratio for the purpose of certificate verification. After the completion of certificate verification, the final selection list would be drawn and based on the final selection list oral test would be conducted by the competent authorities. This being the procedures followed after certificate verification many number of candidates will be rejected from participating in the oral test.

6.May that it be, this Court is of the opinion that if at all any of the candidate who secured less marks were appointed, then alone this Court can consider. Otherwise an unsuccessful candidate cannot challenge the selection list after participating in the process of selection. Admittedly, all these writ petitioners participated in the process of selection. As far as the first writ petitioner is concerned, he scored 207 marks and belongs to MBC category. The cut-off mark is 226. Thus, he is not within the zone of consideration. The second writ petitioner secured 203. However, he belongs to SC category. The third writ petitioner scored 207



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marks and he belongs to MBC category. Thus, all these writ petitioners have scored lesser marks than the cut-off marks and not within the zone of consideration. When the writ petitioners were not successful in the selection process, now they cannot file a writ petition stating that the respondents have altered certain conditions in the notification. Hence, there is no merit in these writ petitions.

7. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

MR

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

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-80059[F] dated
06/08/2019)

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