



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.10.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

**W.P. (MD) No.21740 of 2019
and W.M.P. (MD) No.18474 of 2019**

Abbas Mandhiri

... Petitioner

-vs-

1.The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town, VOC Nagar,
Chennai.

3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town, VOC Nagar,
Chennai - 3.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declare the deletion of 100 Tamil Questions in TNPSC CCSE - II (Group - 2) as illegal and null and void and for consequential direction, directing the Respondents to conduct the examination based on the Existing Syllabus containing 100 Tamil questions in TNPSC CCSE - II (Group - 2).

For Petitioner	: Mr.P.Rathinam For M/s.R.Venkatesan
For 1 st Respondent	: Mr.S.Angappan Government Advocate
For Respondents 2 & 3	: Mr.K.K.Senthil Standing Counsel

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.P.Rathinam, learned counsel appearing for the
petitioner, Mr.S.Angappan, learned Government Advocate appearing for
<https://hcservices.courts.gov.in/hcservices/>



the 1st respondent and Mr.K.K.Senthil, learned Standing Counsel appearing for the respondents 2 & 3.

2.By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage.

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3.The petitioner, who is a practising advocate before this Court has filed this Writ Petition designed as Public Interest Litigation praying for a Writ of Declaration, declaring the deletion of 100 Tamil Questions in TNPSC CCSE - II (Group - 2) as illegal and null and void and to direct the Respondents to conduct the examination based on the Existing Syllabus containing 100 Tamil questions in TNPSC CCSE - II (Group - 2).

4.Admittedly, the said examination is conducted for recruitment to various category of posts classified under Group - 2. Thus, the prayer sought for is pertaining to a service matter, for which a Public Interest Litigation cannot be entertained. The petitioner's endeavour by this Writ Petition is to bring to light the opinion of the aspirants who would sit for examinations conducted by the TNPSC that most of them depends on Tamil language and if the pattern is changed the students from Rural area will be deprived appointment to Government posts. It is submitted that if this procedure, now proposed, is to be followed the number of persons who will be selected from other States will increase and consequently, there will be lack of employment opportunities to the people residing in Tamil Nadu.

5.In our considered view, the prayer sought for cannot be granted under Article 226 of the Constitution of India as the matter pertains to the manner in which the proficiency of a candidate is decided by a recruiting agency, which is TNPSC. Further more, the suitability of the candidate will be decided based on the posts for which the recruitment is conducted and these are issues to be decided by the experts and academicians. Therefore, we cannot grant the relief sought for. However, this will not preclude the petitioner from pursuing his representation before the respondents 1 and 2.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai.

+1 CC to SPL GP (SR-92128[F] dated 16/10/2019)
+1 CC to Mr.K.K.SENTHIL, Advocate (SR-92203[F] dated 16/10/2019)
+1 CC to Mr.R.VENKATESAN, Advocate (SR-92630[F] dated 17/10/2019)

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SJ

MK (07.11.2019) 3P 5C