

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.11.2020
CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.6541 of 2013
and
MP Nos.1 of 2013 and 1 of 2015

C. Singh Bright ... Petitioner

Vs

1. The Government of Tamil Nadu
rep. by its Secretary
(Finance Department)
Fort St. George,
Chennai - 600 009.

2. Tamil Nadu Public Service Commission
(New Building)
rep. by its Chairman,
Frazer Bridge Road,
V.O.C. Nagar,
Chennai - 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 2nd respondent, to select the petitioner to the post of Assistant Section Officer (Finance) or to any other post, the petitioner may be found eligible as per the marks obtained by the petitioner in the written test, held on 30.07.2011 in pursuance of its Advertisement No.258 published on 30.12.2010 in Thina Thanthi.

For Petitioner : Mr.S.N.Rajan

For Respondents: Mr.A.N.Thambidurai,
Spl. Govt. Pleader for R1
Mr.N.Balamuralikrishnan for R2

ORDER

(This case has been heard through video conferencing)

This writ petition has been filed for a direction to the 2nd respondent, to select the petitioner to the post of Assistant Section Officer (Finance) or to any other eligible post, as per the marks obtained by him in the written test, held on 30.07.2011 in pursuance of its Advertisement No.258 published on 30.12.2010 in Thina Thanthi.

2. It is the case of the petitioner that he acquired Masters degree in Commerce through Tamil Medium. As per Notification in Tamil daily vide Advertisement No.258, dated 30.12.2010, he applied for certain posts by way of application dated 27.01.2011. As notified by the Commission, it was clear that the selection for posts will be made on merit basis and there was reservation quota. In addition, 20% reservation was made for candidates, who completed their qualifying degree in Tamil Medium. Accordingly, he appeared for examination on 30.07.2011 and thereafter results were announced through website on 13.10.2012. Out of 300 marks, he secured 220.5 and as such, he hoped for the next level of recruitment. Later, he came to know that candidates who secured minimum cut off marks of 204 and above were called for oral test. When the petitioner contacted the respondents, he was informed that his name was not called for in the preferential quota, as he had not submitted the necessary certificate with regard to his completing his degree in the Tamil Medium from the appropriate authority. Though the petitioner approached the authorities of University of Madras for submitting the requisite certificate by way of several representations, however, he could not obtain the same within the time stipulated by the Commission and in the meanwhile, the selection process was over. It is further averred in the petition that the time taken by the 2nd respondent that the time frame between the for publication of results in the the oral test and counselling are too short, which prevented the petitioner from submitting the requisite certificates in time. Hence he prays before this Court for an appropriate relief.

3. Learned counsel for the petitioner would submit the petitioner has secured more marks than the cut off marks i.e., 204. It is his further contention that though the petitioner has stated that he passed through Tamil Medium in the prescribed Column of his application dated 27.01.2011 as well the marks secured by him i.e. 220.5, which is above the cut marks, the 2nd respondent ought to have selected the petitioner. Hence, he seeks for the relief as prayed for.

4. Learned counsel for the second respondent / Commission vehemently oppose the relief and reiterated the submissions made in para-4 of the counter affidavit. According to him, candidates claiming reservation should enclose the documents in support of their claim. In the instant case, the petitioner failed to submit the requisite proof, which disqualified him from the selection process, even though the petitioner secured more marks than the cut off marks. Hence, the relief sought for by the petitioner ought to be rejected.

5. Heard the learned counsel for the petitioner, Special Government Pleader appearing for the 1st respondent and the

learned counsel appearing for the 2nd respondent and perused the materials available on record.

6. It is not in dispute that the petitioner completed Post Graduate in commerce in Tamil Medium and has secured more marks than the cut off marks fixed by the Commission. It is well settled position that candidates who are applying for vacancies through recruitment more particularly on preferential basis or against any specified reservation quota should fulfill the requirements prescribed in the notification. On perusal of the Notification as well as the counter filed, it is clear that the Commission has clearly prescribed the norms. The relevant paragraph of the Notification is extracted hereunder for ready reference :-

3. General Information :-

A. (i) The rule of

ii) 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 CSSE-I has not yet finalised. Hence, the distribution of vacancies is not announced in this notification. The Distribution of vacancies will be hosted in the Commission's website before 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.

7. It is evident from the submissions made by the learned counsel on either side that the petitioner has not submitted the proof / evidence in support of his claim for preferential treatment i.e., obtaining his degree qualification through the medium of Tamil, while forwarding the application, which is a mandatory one as per the said Notification issued by the respondent / Commission. Accordingly, the respondent/ Commission, short listed the candidates who fulfilled the mandatory provision and finalised the entire selection process.

8. Once a notification is published, the requirements stipulated therein must be scrupulously followed by the candidates at the time of submitting their application. In the instant case, due to non submission of requisite certificate in support of petitioner's claim for preferential treatment at the

right time, the case of the petitioner was negatived. The lacunae on the part of the petitioner in not submitting the requisite certificate, which is a mandatory condition as per the notification, cannot be put against the respondents to claim that the time period was too short to produce the certificate or that persons, who had obtained lesser cut-off marks were called and selected. In the above scenario, no positive direction can be issued by this Court at this juncture.

9. For the reason aforementioned, this writ petition fails and the same is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vsi2

To
1. The Secretary
Government of Tamil Nadu
(Finance Department)
Fort St. George,
Chennai - 600 009.

2. The Chairman,
Tamil Nadu Public Service Commission
(New Building)
Frazer Bridge Road,
V.O.C. Nagar,
Chennai - 600 003.

+1cc to the Government Pleader SR.NO.36309

सत्यमेव जयते

W.P.No.6541 of 2013

RSV CO
SDR 11/12/2020

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