

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 29-01-2020

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22832 OF 2019

T.R.Manoj

...Petitioner

-VS-

- 1.The Chairman,
The Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
V.O.C.Nagar,
Chennai.
- 2.The Secretary,
The Tamil Nadu Public Service commission,
No.3, Frazer Bridge Road,
V.O.C.Nagar,
Chennai.
- 3.The Controller of Examinations,
The Tamil Nadu Public Service commission,
No.3, Frazer Bridge Road,
V.O.C.Nagar,
Chennai.
- 4.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai-600 005.

... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned provisionally list of candidates admitted to oral test for appointment of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service 2013-2018, dated 15.07.2019, on the file of third respondent and quash the same and to direct the third respondent to publish marks secured by the petitioner in the written examination.

For Petitioner : Mr.K.Myilsamy

For Respondents 1 to 3 : Mr.V.T.Gopalan,
Senior Counsel,
for Ms.C.N.G.Niraimathi.

For Respondent 4 : Mr.Vijay Narayan,
Advocate General,
assisted by Mr.J.Pothiraj,
Special Government Pleader.

ORDER

This Court, in a batch of cases, in W.P.No.22535 of 2019 and other connected matters, has dealt with the issue involved in this Writ Petition in extenso and decided the same on 24.01.2020, by issuing the following directions :

(a) The Motor Vehicles Maintenance Department shall take up the process of verification of the Workshop Experience Certificates issued by the approved Automobile Workshop as defined in the explanation to Clause 6 (B) of the Notification.

(b) The Workshop Experience Certificates shall be scrutinized by the Motor Vehicles Maintenance Department for all the 1328 candidates, who participated in the written examination.

(c) The verification/scrutiny shall be done with regard to all the Workshop Experience Certificates issued to the candidates, irrespective of the year in which it was issued.

(d) The Automobile Workshops are recognised/approved/certified only by the Motor Vehicles Maintenance Department and, therefore, the department is expected to know the criteria/basis on which such recognition/approval/certification was granted and the records that are supposed to be maintained by these Workshops. The same shall be kept in mind while scrutinizing/verifying the Workshop Experience Certificates issued to the candidates by the concerned Workshop. The relevant records are already available and what requires to be verified is the authenticity of the certificates issued by the Authorised Workshops.

(e) It is open to the Motor Vehicles Maintenance Department to get clarifications from the candidates, if so required during the process of verification/scrutiny.

(f) The bench mark that is evolved by the Motor Vehicles Maintenance Department shall be equally applied across the board for all the candidates without any discrimination and this

will ensure transparency in the entire process.

(g) The Motor Vehicles Maintenance Department at the time of considering the experience of the candidates, who have worked on vehicles fitted with petrol engines and diesel engines, need not disqualify a candidate for not possessing the experience with petrol engines. The State Transport Corporation has already dispensed with petrol engine run vehicles from the year 2014 onwards and, therefore, it cannot issue Work Experience Certificate for candidates, who worked in the State Transport Corporation for experience in vehicles fitted with petrol engines. Therefore, the experience with petrol engines and/or diesel engines can be taken into consideration provided the candidate has worked for a period of not less than one year.

(h) While considering the minimum period of one year, the Motor Vehicles Maintenance Department shall ensure that each candidate had worked at least for 240 days in a given year. The Motor Vehicles Maintenance Department shall also ensure that candidates, who had worked as a mechanic and are claiming consideration of their combined experience as a mechanic and as a driver, have done test driving in the course of their work. The Full Bench of this Court, in the judgment referred supra, has clarified this position.

(i) Insofar as the driving experience certificate is concerned, a self-declaration shall be obtained from the person in-charge of the Automobile Workshop in the format that has been appended to the memo filed by the Transport Commissioner.

(j) The Motor Vehicles Maintenance Department shall complete this process within a period of four weeks from the date of receipt of copy of this order and submit its report to the TNPSC.

(k) The TNPSC, on receipt of the report from the Motor Vehicles Maintenance Department, shall independently apply its mind as a constitutional functionary under Article 320 of the Constitution of India and proceed to call all the eligible candidates for the oral test. It is also open to the TNPSC to seek clarification from the candidates in the course of certificate

verification; and

(1) The TNPSC shall complete the process of final selection within a period of four weeks after it receives a report from the Motor Vehicles Maintenance Department and shall publish the fresh list of selected candidates on its website. By virtue of this order, the earlier selection list consisting of 32 candidates gets automatically effaced.''

2. Following the above order, this Writ Petition is also disposed of in similar terms. No costs. Consequently, the connected W.M.P.Nos.22432 and 22434 of 2019 are closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
The Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
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4.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai-600 005.

+lcc to Mr.K.Myilsamy, Advocate SR.6934

W.P.No.22832 OF 2019

CB(24/02/2020)