

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 28.01.2020	Delivered on 30.01.2020
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CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.30472 of 2019

and

WP.Nos.30500,30501 & 30510 of 2019

K.Deepa

.. Petitioner

.Vs.

1.The Deputy Secretary,
Tamil Nadu Public Service Commission,
Park Town, V.O.C, Nagar,
Chennai-600 003.

2.The Secretary to Government,
Personnel & Administrative Reforms Department,
Secretariat,
Chennai 600 009.

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter issued by the 1st respondent TNPSC in Na.Ka.No.1725/PSD/A3/2019 dated 19.9.2019 and Quash the same and consequently to direct the 1st respondent to consider the name of the petitioner for appointment as Typist in any one of the services as notified by the 1st respondent in Notification No.23/2017 dated 14.11.2017.

For Petitioner : Mr.T.Ranganathan

For R 1 : Mr.M.Loganathan
Standing Counsel

For R 2 : Mr.P.S.Sivashanmugasundram
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned letter issued by the 1st respondent dated 19.09.2019, informing the petitioner about her non-selection to the post of Typist.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The 1st respondent issued a Notification on

14.11.2017, for integrated Group IV Service Examination in the Tamil Nadu Integrated Ministerial Service and other Services as against 9351 vacancies. In the present case, this Court is concerned with the post of Typist for which the petitioner had applied. Originally, the vacancies were identified as 3463 and later it was modified as 4071 vacancies.

3.The petitioner appeared for the examination on 11.02.2018, an overall rank list was published by the 1st respondent on 30.07.2018 and the name of the petitioner was found in the list. It was informed that individual intimation will be sent to the candidates by post. Thereafter, another list was published by the 1st respondent on 03.12.2018 and it was informed that the candidates, who are found in the list will be called for certificate verification. The petitioner was called for certificate verification on 01.02.2019. She appeared before the Counselling Committee. However, the petitioner was informed that another list will be published shortly. In the next list that was published on 27.01.2019, the name of the petitioner did not find a place. The 1st respondent by the impugned letter dated 19.09.2019, informed the petitioner that the selection during counselling was completed with Rank No.3797 and the petitioner who was in Rank No.3950 was not considered since the selection was over by then. The petitioner was also informed that since the selection had taken place through counselling, there is no practice of preparing a waiting list since the candidates participating in the counselling will join the post and no post will remain vacant. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4.The learned counsel for the petitioner submitted that the entire process of selection had taken place with lot of irregularities and no transparency was maintained throughout and the final list of candidates, who were selected was not even published by TNPSC. The learned counsel further submitted that certain candidates, who were called for certificate verification, did not even find a place in the first list that was published on 30.07.2018. Therefore, according to the learned counsel for the petitioner, there is a serious irregularity in the selection process. The learned counsel further submitted that two of the candidates who have been selected under the MBC quota had secured 211.50 marks and the petitioner had also secured the same marks and inspite of it, the petitioner was not called for certificate verification in the third list. Therefore, the learned counsel for the petitioner questions the entire selection process that was conducted by TNPSC. The learned counsel concluded his arguments by submitting that there are some vacancies in the post of Typist and therefore, the petitioner can be considered for appointment in those vacancies.

5.The 1st respondent has filed a counter affidavit in this case. The relevant portion in the counter affidavit is

extracted hereunder:

"5. it is respectfully submitted that after scrutinizing the applications through on screen, based on the technical qualification and marks obtained by the candidates in the written examination following rule of reservation of appointments, educational qualification, age and vacancies position, a total of 6756 candidates were provisionally admitted for 1st phase of certificate verification (original) cum counselling to fill up 4071 vacancies (including 85 shortfall vacancies) for the post of Typist included in the said recruitment. The details of ratio followed in 1st phase of certificate verification (original) cum counselling in this recruitment were furnished below:

- a) All General Categories
: 1:3 ratio
- b) All communal Turn General
Categories/
Ex-servicemen : 1:1.5 ratio
- c) All Communal Turn Special categories
including women, DA Categories and
DW Categories : 1:1 ratio

6. In this humbly, it is submitted that the 1st phase of certificate verification (original) cum counselling was conducted from 21.01.2019 to 09.02.2019 in both session and the said petitioner's Reg.No. has also included in the Rank List and her overall rank was 3950.

7. In this connection, the following points are submitted for perusal:-

(i) Even though the candidates who were summoned for certificate verification (original) cum counselling under General Turn in the ratio of 1:3, some of the candidates had opted the post in their respective communal category and some of the candidates were absent for Counselling.

(ii) Below General Turn cut, the candidates belonging to 'Others' who were not summoned for CV were available in the Rank List and hence, 211 vacancies (including 5 PSTM vacancies and 23 Ex-servicemen vacancies) in the said post under General Category could not be filled up in the 1st phase.

(iii) The overall rank of last candidate selected for the said post under MBC/DC(W) (PSTM) category for the 1st phase of Counselling held on 01.02.2019 is 3650 and the

vacancies under MBC/DC(W) and MBC/DC(W) (PSTM) categories were fully exhausted. Hence, the candidates pertaining to the above said categories were informed of the fact that as the vacancies were filled they need not attend CV cum Counselling on the designated date through SMS and e-mail.

(iv) At the end of 1st phase of counseling, a total of 303 vacancies were unfilled including 211 General vacancies (including PSTM vacancies and Ex-Servicemen vacancies).

8. It is humbly submitted that based on the marks obtained by the candidates in the written examination following rule of reservation of appointments, technical qualification and educational qualification, age and vacancies position, by going down Rank List, a total of 372 candidates were provisionally admitted for 2nd phase of certificate verification (original) cum counselling to fill up 303 vacancies for the post of Typist in the ratio of 1:1.5/1:2 upto the overall rank of 3937 candidates were summoned for the 2nd phase of CV cum Counselling to fill up the General Turn vacancies. As the petitioner's overall rank is 3950 and hence she was not summoned for 2nd phase of counselling. During the 2nd phase of Counselling, 242 vacancies were filled and 61 vacancies were unfilled in the category of BCM (G)-1, SCA(G)-1 and 59 DA vacancies. Due to the paucity of DA candidates all the 59 vacancies were carried forward to next recruitment. It is pointed out that the overall rank of last MBC/DC (W) PSTM candidate selected for General vacancies is 3797.

9. It is respectfully submitted that the 3rd phase of counselling was held on 05.07.2019, the remaining two unfilled vacancies were filled in the category of BCM (G)-1, SCA(G)-1".

6. Mr. M. Loganathan, learned Standing Counsel appearing on behalf of the 1st respondent apart from reiterating the stand taken by the 1st respondent in the counter affidavit, submitted that the selection was considered in different phases through counselling. During the 1st phase of counselling that was held on 01.02.2019, rank upto 3650 was considered and the vacancies were filled. The vacancies under MBC/BC(W) and MBC/DC(W) (PSTM) was exhausted and therefore, remaining candidates were informed about the same and they were told that they need not attend the certificate verification counselling. The learned counsel submitted that a

total of 372 candidates were provisionally admitted for 2nd phase of certificate verification cum counselling to fill up 303 vacancies for the post of Typist and it went up to the overall rank of 3937 candidates. The petitioner's rank was 3950 and therefore, she was not called for the 2nd phase of counselling. The learned counsel further submitted that the 3rd phase of counselling was held on 05.07.2019 and two unfilled vacancies were filled up in the category of BCM(G)-1 and SCA(G)-1.

7.The learned counsel submitted that the selection was done in a very transparent manner and the petitioner was informed during the counselling session itself that the selection got exhausted with Rank No.3937 and therefore, the petitioner and the other candidates were asked to leave. The learned counsel concluded his arguments by submitting that there is absolutely no ground to interfere with the selection and all the posts have been filled up and there is no scope for considering the candidature of the petitioner. The learned counsel also submitted that no wait list candidates were prepared in the present selection since the selection was done through counselling.

8.This Court has carefully considered the submissions made on either side and the materials available on record.

9.A reading of the counter affidavit filed by the 1st respondent and the submissions made by the learned counsel appearing on behalf of the 1st respondent, clearly shows that totally 4071 vacancies were earmarked for the post of Typist. The petitioner was assigned the overall rank of 3950. A total of 6756 candidates were provisionally admitted for the 1st phase of certificate verification cum counselling to fill up 4071 vacancies in the post of Typist. The petitioner was also called during the 1st phase of certificate verification cum counselling. The petitioner fell within the category of MBC/DC(W). During the 1st phase of counselling held on 01.02.2019, the vacancies under this category was fully exhausted upto Rank No.3650. Therefore, the other candidates, who came under this category were informed that the vacancies have been filled up and they need not attend the certificate verification cum counselling. During the 2nd phase of certificate verification cum counselling, candidates with the overall rank of 3937 candidates were only called to fill up the general turn vacancies. The rank of the petitioner was 3950 and therefore, she was not called for the 2nd phase of counselling.

10.This Court is not able to find any illegality or irregularity in the selection conducted by the 1st respondent. The same is clear from the counter affidavit filed by the 1st respondent and the records that were produced before this Court. Since the selection process was conducted through

counselling, the post get filled up and therefore, the respondents do not have an occasion to prepare a waiting list in the present selection. This was made clear even in the impugned letter that was issued by the 1st respondent to the petitioner. In view of the same, the petitioner cannot be considered for any further selection and it is informed that all the posts have been filled up. Para 11 of the counter affidavit filed by the 1st respondent specifically states that all the vacancies notified for the post of Typist has been filled up and no vacancies are available and therefore there is no scope for considering the candidature of the petitioner for any vacant post.

11. In view of the above discussion, this Court does not find any ground to interfere with the impugned letter issued by the 1st respondent and this Court does not find any illegality or irregularity in the selection conducted by the 1st respondent and accordingly, this Court does not find any merits in this Writ Petition and the same is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Deputy Secretary,
Tamil Nadu Public Service Commission,
Park Town, V.O.C, Nagar,
Chennai-600 003.
2. The Secretary to Government,
Personnel & Administrative Reforms Department,
Secretariat,
Chennai 600 009.

+1cc to Mr.T.Ranganathan, Advocate, S.R.No. 7019

W.P.No.30472 of 2019

VD(CO)
GN(28/02/2020)