



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 06.10.2020**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P(MD)No.20514 of 2013**

**and**

**M.P(MD).No.1 of 2013**

WEB COPY

M.Muthu Kumar

... Petitioner

Vs

1.Tamil Nadu Public Service Commission,  
Rep by its Secretary,  
No.1, Grems Road,  
Chennai-600 006.

2.The Controller of Examinations,  
Tamil Nadu Public Service Commission,  
Chennai-6.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1, to provide 6 marks additionally to the petitioner in the written examination of the Combined Subordinate Service Examination - I 2010-11 and allot the petitioner in a suitable interview post or Non-interview Post considering the revised marks obtained by the petitioner within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathiroy

For Respondents : Mr.K.K.Senthil

**ORDER**

The relief sought for in the present writ petition is for a direction to direct the first respondent to provide six marks additionally to the petitioner in the written examination of the Combined Subordinate Service Examination - I 2010-11 and allot the petitioner in a suitable interview post or Non-interview Post considering the revised marks obtained by the petitioner.

2.The writ petitioner participated in the process of selection for appointment in the Combined Subordinate Service Examination - I 2010-11 of the year 2010-11. The grievance of the writ petitioner is that the marks for which, he is entitled, had not been awarded. Thus, the writ petitioner was constrained to move the present writ petition.

3.The counter affidavit filed on behalf of the respondents reveals that the additional marks were granted to the petitioner. The learned counsel appearing on behalf of the respondents



consolidated the attention of this Court regarding the contents set out in Paragraph Nos.9 and 13 of the counter affidavit, which are extracted hereunder:

"9.The candidate has shaded option 'B' against the question No.19 in the OMR answer sheet. Hence, '1.5' marks has to be added to his marks(i.e, 235.50) already awarded by the Commission. Now, his marks are  $235.50+1.50=237.00$ . The candidate's Register Number has already been included in the list of candidates, provisionally admitted to OT published on 08.06.2012.

13.In this connection, it is submitted that, as the petitioner had enclosed Tamil Medium Certificate with his application for preferential reservation for PSTM and had scored 235.50 marks in the written examination and hence, he was called for the counselling under BC(G) PSTM for non-OT posts and opted for the post of Assistant in Rural Development and Panchayat Raj Department in Tiruvannamalai District under BC-PSTM category viz., GT(General) and GT (General) PSTM as the cut-off marks for GT(General) and GT (General) PSTM are 238.50 and 237.00 respectively. The candidate Thiru.R.Muthukumar has not yet joined in the post of Assistant in Rural Development Panchayat Raj Department. However, action regarding name deletion was not taken up and is kept in abeyance due to pendency of Writ Petition."

4.As per the paragraph No.9, the additional marks were awarded to the writ petitioner. This apart, he was selected for non-OT posts, more specifically, for the post of Assistant in Rural Development and Panchayat Raj Department. A copy of the selection order was communicated to the writ petitioner also, which is enclosed by the writ petitioner himself. However, the writ petitioner has not joined in the post of Assistant in Rural Development and Panchayat Raj Department.

5.This being the factum now established, the relief as such sought for in the present writ petition cannot be granted and accordingly, the cause arose did not exist as of now. Thus, the writ petition stands closed. Consequently, connected MP is closed.

Sd/-

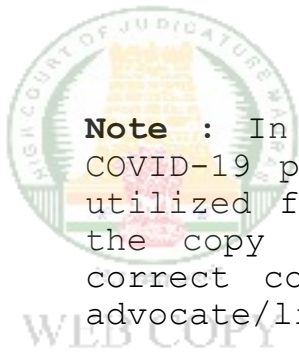
Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

**Ns**



**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**TO**

1.The Secretary  
Tamil Nadu Public Service Commission,  
No.1, Greams Road,  
Chennai-600 006.

2.The Controller of Examinations,  
Tamil Nadu Public Service Commission,  
Chennai-6.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate ( SR-19277  
[F] dated 07/10/2020 )

+1 CC to M/s.K.K. SENTHIL, Advocate ( SR-19221[F]  
dated 06/10/2020 )

W.P (MD) No.20514 of 2013  
and  
M.P (MD) .No.1 of 2013  
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