



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

**DATED: 04.11.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

WEB COPY

**Writ Petition (MD)No.15110 of 2020**

**and**

**W.M.P. (MD) .No.12718 of 2020**

B.Mahiban

... Petitioner

Vs.

1. Tamil Nadu Public Service Commission  
through its Secretary,  
TNPSC Road, VOC Nagar,  
Park Town,  
Chennai 600 003.

2. The Government of Tamil Nadu  
represented by its Chief Secretary,  
Fort St. George,  
Chennai.

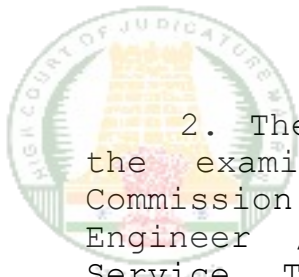
... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to issue the answer sheet of the petitioner in the examination held on 07.04.2019 for the post of Assistant System Engineer / Assistant System Analyst in Tamil Nadu Information Technology Service under Application No.905015962 and Registration No.260003181 and to disclose the reasons for invalidation of the answer sheet.

|                |   |                                              |
|----------------|---|----------------------------------------------|
| For Petitioner | : | Mr.G.Prabhu Rajadurai                        |
| For R1         | : | Mr.K.K.Senthil<br>Standing Counsel for TNPSC |
| For R2         | : | Mr.R.Murugaraaj<br>Government Advocate       |

**O R D E R**

This writ petition has been filed for a direction to the respondents to disburse the answer sheet of the petitioner in the Examination held on 07.04.2019, for the post of Assistant System Engineer / Assistant System Analyst in Tamil Nadu Information Technology Service under Application No.905015962 and Registration No.260003181 and to disclose the reason for invalidation of the answer sheet.



2. The case of the petitioner is that he was participated in the examination conducted by the Tamil Nadu Public Service Commission on 07.04.2019, for the post of Assistant System Engineer / Assistant System Analyst in Tamil Nadu Government Service. The selection process involves written examination which was conducted on 07.04.2019 and there were three papers. The first two papers were objective types and the third paper was a descriptive type. There was a minimum mark prescribed for the first and second papers and if the candidature obtained the minimum marks in the first two papers, the third paper will be considered for valuation. Thereafter, a merit list will be prepared on the aggregate marks of all the three papers and the selection will be made on the basis of such marks and on following communal roster. On 30.09.2020, the results were published and the petitioner's Registration No.260003181 was marked as invalidation. Further, he contended that in the explanation, it was simply stated that descriptive type answer sheet invalidated for violation of instructions in the Notification / Answer Sheet. However, it is not stated as to the nature of violation. Challenging the same, the petitioner has filed the present writ petition.

3. Mr.K.K.Senthil, learned Standing counsel appearing for the first respondent would submit that the answer sheet of the petitioner was invalidated, due to the reason that he made his signature in the answer sheet, which is prohibited in the instructions issued by the first respondent/TNPSC to the applicants. In this regard, he referred the following General Instructions.

*"22. Instructions to applicants to be followed while appearing for competitive examinations (objective type and descriptive type) conducted by the Commission.*

*1. Applicants have to be decently dressed and should reach the Examination hall 30 minutes before the commencement of Examination with the downloaded hall tickets from the Commission's website. On any account, no applicant will be allowed after 30 minutes of the commencement of examination.*

*2. Applicants who have applied more than once and consequently are in receipt of more than one Hall Ticket with different register numbers should retain only one Hall Ticket and return the remaining Hall Ticket(s) to the Commission specifying the facts.*

*4. Applicants have to appear for the examination in the venue where they have been allotted to (as mentioned in the Hall Ticket). Change of Venue will not be permitted. If any applicant appears for the examination in the venues other than where he was originally allotted to, his answer paper will be invalidated."*

4. Heard the learned counsel for the petitioner, the learned Standing counsel appearing for the first respondent and the learned



Government Advocate appearing for the second respondent and perused the materials available on record.

5. In the present case, the learned Standing counsel appearing for the first respondent would submit that the petitioner has made his signature in the answer sheet and hence, the same was invalidated. Further, the learned Standing counsel has referred the judgment of the **Hon'ble Apex Court** rendered in **Civil Appeal No.6669 of 2019 (State of Tamil Nadu and others vs. G.Hemalatha and another)**, wherein it has been held as follows:

"7. We have given our anxious consideration to the submissions made by the learned Senior Counsel for the Respondent. The Instructions issued by the Commissioner are mandatory, having the force of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the Instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the Instructions issued by the Commission.

12. After giving a thoughtful consideration, we are afraid that we cannot approve the judgment of the High Court as any order in favour of the candidate who has violated the mandatory Instructions would be laying down bad law. The other submission made by Ms.Mohana that an order can be passed by us under Article 142 of the Constitution which shall not be treated as a precedent also does not appeal to us."

6. In view of the settled position of law by the Hon'ble Apex Court, the instructions issued by the first respondent / TNPSC are mandatory, having the force of law and the candidatures have to strictly follow the instructions. In the present case, the petitioner made his signature in the answer sheet which is in violation of the General Instructions issued to the candidates, thus, the answer sheet of the petitioner was invalidated, wherein, this Court does not find any illegality and no way the right of the petitioner has been deprived in any manner. Therefore, this Court is unable to trace anything in the present writ petition as there is no merit in it and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

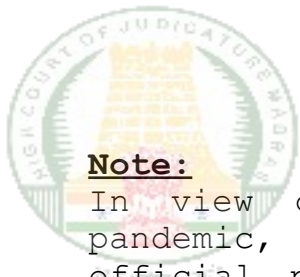
Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



**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,  
TNPSC Road, VOC Nagar,  
Park Town,  
Chennai 600 003.
2. The Chief Secretary,  
Government of Tamil Nadu  
Fort St. George,  
Chennai.

+1 CC to Mr.K.K.SENTHIL, Advocate ( SR-21260[F] dated 05/11/2020 )  
+1 CC to the SPL GP ( SR-21316[F] dated 05/11/2020 )

**W.P. (MD) No.15110 of 2020**  
**04.11.2020**

NA (CO)  
CS (08.12.2020) 4P 5C