



WEB COPY

W.P.(MD).No.12078 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.12078 of 2014

and

MP (MD) Nos.1 and 2 of 2014

Kaleecharan

... Petitioner

-Vs-

Tamil Nadu Public Service Commission,
Rep. its Secretary and Controlloer of Examination,
No.1 Greems Road,
Chennai 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order, dated 30.09.2013 made in Memorandum N0.5020/APD/H/MVI-Gr-II/2012 passed by the respondent and quash the same as illegal and consequently direct the respondent to consider the candidature of the petitioner for the post of Motor Vehicle Inspector Grade-II on merits and in accordance with law by validating his answer sheet in the examination for the said post held on 26.08.2012 forthwith in pursuance of the notification dated 25.06.2012 bearing No.24 of 2012.

For Petitioner : Mr.S.Palani Velayutham
For Respondent : Mr.K.K.Senthil

ORDER

The impugned order, invalidate of the answer sheet of the writ petitioner relating to the written examination to the post of Motor Vehicle Inspector Grade-II, held on 26.08.2012, is under challenge in the present writ petition.

2.The grievances of the writ petitioner is that the petitioner was erroneously disqualified and his answer sheet was invalidated without considering the facts and circumstances. The adjudication on the issues are not required, in view of the fact that the counter affidavit filed by the respondent reveals that the similarly placed invalidated candidates filed writ petition before this Court and the writ petition was dismissed, which was confirmed by the Hon'ble Division Bench of this Court. More number of persons were invalidated on the same ground, the relevant portion of the counter affidavit, is extracted hereunder:-



"..8.It is also submitted that one Thiru.K.Kannan has filed W.P. (MD)No.18623 of 2013 and M.P.Nos.1 and 2 of 2013 before the Madurai Bench of Madras High Court praying to quash the Memo.No.5020/APD-H/2012, dated 30.09.2013 and consequently publish the results of him and to select him as Motor Vehicles Inspector Grade-II as per the marks obtained him in the Written Examination dated 26.08.2012 and to appoint him as Motor Vehicles Inspect Grade II under the Tamil Nadu Transport Subordinate Service.

9.The above said W.P was taken up for hearing on 21.11.2013 before the Hon'ble Madurai Bench of Madras High Court and, the Hon'ble Court has issued orders as below:

".....4....., as per the prospectus, the qualification prescribed for the said post, is either Diploma in Automobile Engineering or Diploma in Mechanical Engineering. But Para 6 of the Prospectus speaks of Scheme of Written Examination. In Note (i), it is stated as follows:

"Candidates should specify in the application, the subject in which they wish to be examined. They should choose only the subject in which they have obtained the prescribed qualification"

5.Referring to the above Note only the petitioner's answer sheet has been invalidated, because the petitioner has written the examination in Automobile Engineering instead of writing the same in Mechanical Engineering, which is the subject in which he has obtained the qualification. Though Diploma in Automobile Engineering as well as Diploma in Mechanical Engineering are the qualifications for making application and to write the examination, as per the prospectus, when the candidate chose to writ examination, he should do it in the subject in which he has got qualification. Thus, the petitioner is bound by the prospectus. But the learned counsel for the petitioner would submit that the above Note itself is challenged in this writ petition. In my considered opinion, it is too late in the day for the petitioner to challenge the same, because, accepting the terms and conditions of the prospectus, the petitioner submitted his application and wrote the examination. Having done so, it is not open for the petitioner at this length of time to question the terms and conditions of the Prospectus. In such view of the matter, I do not find any merit in this writ



6.In the result, the writ petition fails and accordingly the same is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs."

10.It is further submitted that Thiru.K.Kannan has filed W.A(MD)No.36 of 2014 and M.P.(MD)No.1 and 2 of 2014 in W.P.(MD)No.18623 of 2013 and M.P.Nos.1 and 2 of 2013 before the Madurai Bench of Madras High Court filed under Section 15 of Letters Patent Act against the order of this Court, dated 21.11.2013 made in W.P.(MD)No.18623 of 2013.

11.The above said W.A was taken up for hearing on 09.01.2014 before the Hon'ble Madurai Bench of Madras High Court has issued orders as below:

".....8.In any event, the Hall Ticket has been issued only for the subject Mechanical Engineering and therefore, the appellant cannot chose to write the examination for any another subject contrary to the Hall Ticket issued, which is also in consonance with the application. There is no clause in the scheme, which provides that ancillary subject could be elected. The scheme of the prospectus is appeared unambiguous, which does not provides for any other interpretation, more so, in a manner that the appellant wants to do. We are in full agreement with the reasonings given by the single Judge in rejecting the plea of the appellant/writ petitioner.

9.Finding no merit in the appeal, the writ appeal is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed."

3.In view of the fact that the issues were already adjudicated and reached finality, pursuant to the orders of the Hon'ble Division Bench of this Court as cited *supra*, no further consideration needs to be extended with reference to the grounds raised in the writ petition.

4.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

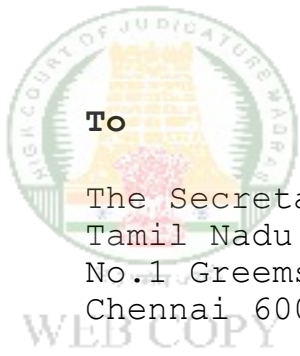
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Sub Assistant Registrar(CS)

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To

The Secretary and Controlloer of Examination,
Tamil Nadu Public Service Commission,
No.1 Greems Road,
Chennai 600 006.

+1 CC to Mr.K.K.SENTHIL, Advocate SR-21536.

W.P. (MD) .No.12078 of 2014
05.11.2020

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