

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 16602 of 2011

S.Vani Prasahanthi

... Petitioner

-vs-

1. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 6.
2. State of Tamil Nadu,
Represented by the Secretary to Government,
Personal and Administrative Reforms Department,
Secretariat, Chennai - 9. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to select and appoint the petitioner in any one of the Preferential Category which she submitted for both OT and Non-OT posts in respect of the selection made by the Service Commission in the Combined Subordinate Service Examination - 1, 2008.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Associates

For Respondents : Mr.N.Balamuralikrishnan
Standing counsel for R1
Mrs.K.Bhuvaneswari
Addl. Govt. Pleader for R2

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to select and appoint the petitioner in any one of the Preferential Category which she submitted for both OT and Non-OT posts in respect of the selection made by the Service Commission in the Combined Subordinate Service Examination - 1, 2008.

2. The petitioner was one of the candidates who participated in the selection process conducted by the Tamil Nadu Public Service Commission in the Combined Subordinate Service Examination - 1 of the year 2008.

3. The petitioner belongs to MBC and according to the

petitioner, she performed well in the written examination, despite the same, since she was not called for oral test, at that juncture, she filed this Writ Petition with the aforesaid prayer.

4. In this Writ Petition, pursuant to the interim order passed by this Court, the petitioner was permitted to participate in the oral test and the petitioner, according to her, has performed well in the oral test. Therefore, she should have been selected in any one of the posts covered under the said Combined Subordinate Service Examination, i.e., Group-IV. Since the petitioner was not selected and the result of the petitioner was not declared by the Service Commission, the petitioner seeking indulgence of this Court, has filed this Writ Petition.

5. Reiterating the aforesaid, the learned counsel appearing for the petitioner seeks indulgence of this Court and he would submit that, even the marks obtained by the petitioner as well as cut-off marks in respect of the communal category has not been disclosed and therefore, why the petitioner was not selected and the reasons for such non-selection have not been made known to the petitioner, he contended.

6. However, Mr.N.Balamuralikrishnan, learned Standing counsel appearing for the Service Commission would submit that, the selection process is consisting of two stages, one is written test followed by oral test. For written test, totally 300 marks would be awarded. The petitioner participated in the written test, she was able to get only 241.5 marks, whereas, cut-off marks for the last candidate in the communal category, where the petitioner belongs, for calling them to oral test was for MBC/DC (General)-252, MBC/DC (Women)-247.50 and when the petitioner admittedly got 241.5 out of 300, she should not be called for interview, that is why, she was not called for interview. Pursuant to the interim order passed by this Court, she was called for oral test, where also she participated and after the oral test, if we take the combined marks of 241.5 and oral test marks, out of 340 she was able to get 268.5marks. Whereas the cut-off marks was 279 and 274.50 for MBC/DC General and Women respectively.

7. However, the said 241.5 marks obtained by the petitioner if it is taken into account, even for becoming eligible to be called for oral test itself, the petitioner is not eligible. Therefore, the petitioner was not coming nearer to the zone of consideration and hence, she was not called for interview. Therefore, the question of selecting the petitioner not arises.

8. I have considered the said submissions made by the learned counsel appearing for both parties and have perused the materials placed before this Court.

9. The learned Standing counsel appearing for the Service Commission has produced the following cut-off marks, which is relevant to the present issue:

DETAILS OF MARKS OBTAINED BY THE LAST CADIDATE SELECTED IN MBC CATEGORY RELATING TO ORAL TEST POSTS INCUDED IN COMBINED SUBORDINATE SERVICE EXAMINATION - 1, 2008.

MBC/DC	GENERAL		279	31.05.1979
MBC/DC	WOMEN		274.5	05.02.1979
MBC/DC	WOMEN	ORTHO	268.5	06.10.1981
MBC/DC	GENERAL	BLIND	247.5	27.05.1982
MBC/DC	GENERAL	EX-SER	244.5	30.03.1964
MBC/DC	GENERAL	DEAF	228	03.03.1976
MBC/DC	WOMEN	DW	145.5	13.03.1964

DETAILS OF MARKS OBTAINED BY THE LAST CADIDATE SELECTED IN MBC CATEGORY RELATING TO NON-OT POSTS INCUDED IN COMBINED SUBORDINATE SERVICE EXAMINATION - 1, 2008.

MBC/DC	GENERAL	252	22.04.1997
MBC/DC	WOMEN	247.5	25.07.1976
MBC/DC	DW	247.5	10.05.1979
MBC/DC	G-EX-SER	216.5	07.03.1971
MBC/DC	G-PH-DEAF	196.5	06.05.1986

10. On perusal of the same, it would disclose that, the cut-off marks for the relevant category i.e., MBC-General and MBC-Women respectively before interview was 252 and 247.50 and after interview it was 279.00 and 274.50, whereas, the marks obtained by the petitioner was only 241.5 out of 300.

11. When that being so, the petitioner has not come to the zone of consideration even for calling to oral test. Therefore, merely because the petitioner was permitted to participate in the oral test pursuant to the interim order passed by this Court, no right can be conferred on her, as the candidates who got higher marks than the petitioner have not been called for oral test. Hence, the petitioner is not entitled to seek any benefits out of such oral test as her marks obtained in written examination was not equal to the cut-off marks in respect of communal category. Therefore, the petitioner cannot be considered for selection on merits.

12. Accordingly, this Writ Petition fails and hence, it is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vji

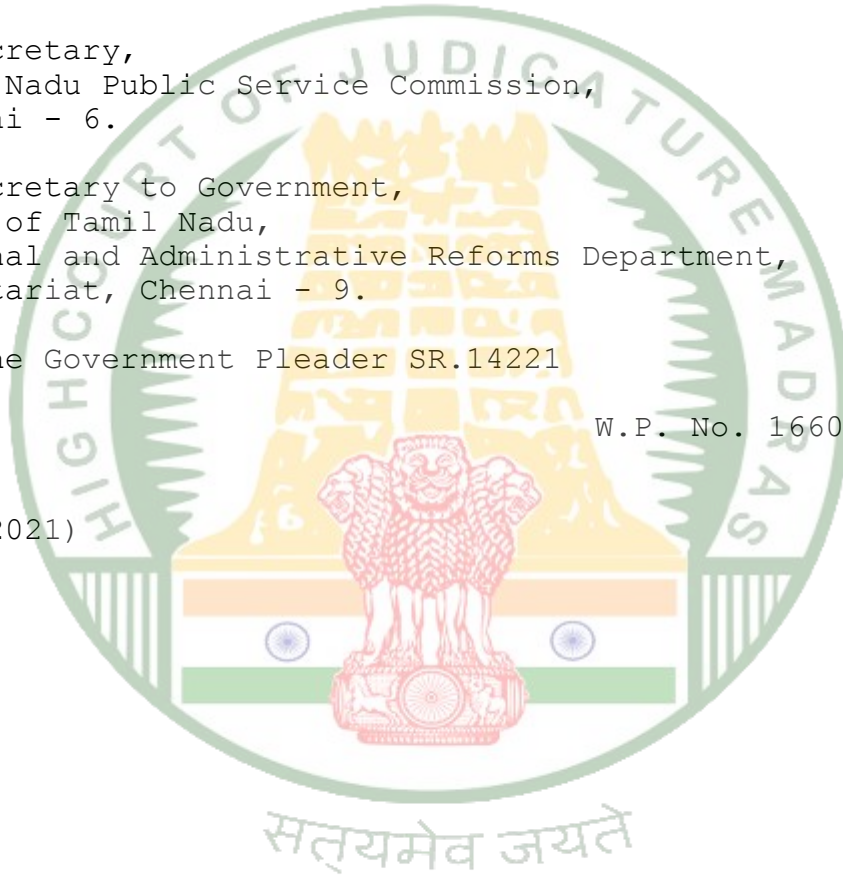
To

1. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 6.
2. The Secretary to Government,
State of Tamil Nadu,
Personal and Administrative Reforms Department,
Secretariat, Chennai - 9.

+1cc to the Government Pleader SR.14221

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PMK(CO)
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