

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3383 of 2021

N.Umameshwari

... Petitioner

-vs-

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

... Respondent

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the Respondent herein to dispose of the petitioner's representation dated 09.01.2021 within a stipulated time as fixed by this Honourable Court.

For Petitioner : Mr.G.Nareshkumar

For Respondent : Mr.V.Govardhanan for TNPSC

O R D E R

The petitioner has filed this writ petition, seeking a direction to the Respondent herein to dispose of the petitioner's representation dated 09.01.2021.

2. Mr.V.Govardhanan, learned Standing Counsel takes notice for the Respondent. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, she applied for the post of Assistant Tourist Officer Grade-II, pursuant to the notification issued by the Respondent and in the examination, she secured overall rank of 93 with the communal rank of 54. It is the case of the petitioner that though she was called for certificate verification and was directed to upload the documents, the respondent did not call for the next stage of selection, namely,

interview. Hence, she made a representation to the respondent on 09.01.2021 in this regard. Since the said representation did not evoke any response, she is before this Court.

4. Learned Standing Counsel appearing for the Respondent contended that if a reasonable time is granted to the respondent, the representation of the petitioner will be considered and suitable orders be passed on the same.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondent herein to consider the representation of the petitioner dated 09.01.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 09.01.2021 and this order, to the respondent forthwith;

v) The respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file

without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

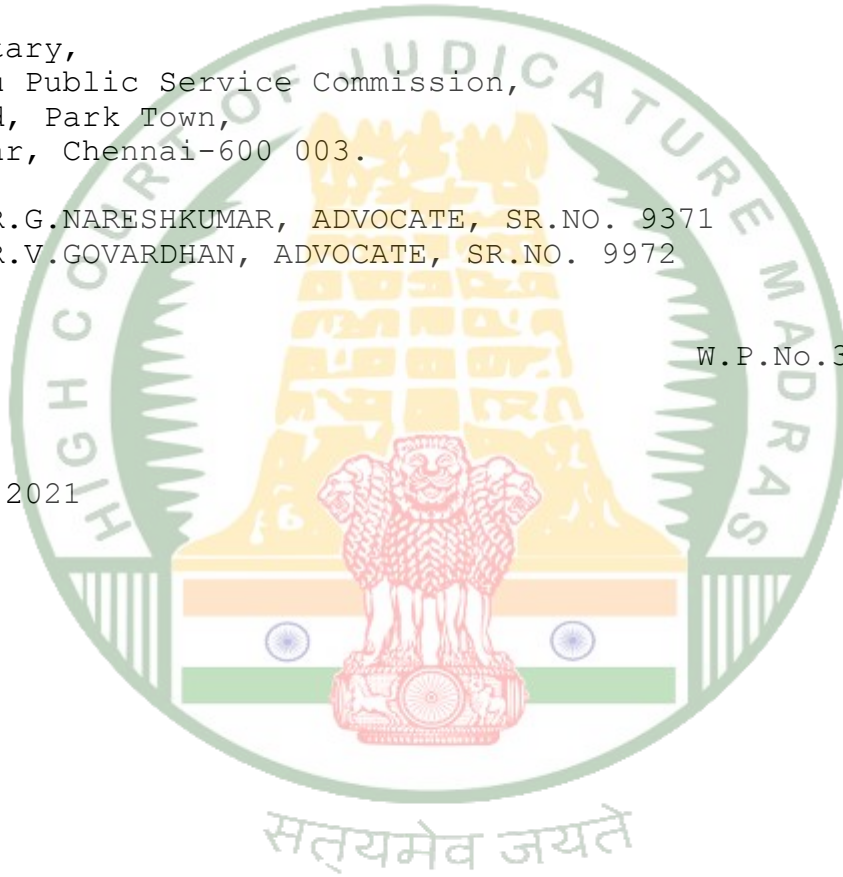
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TO
The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
V.O.C.Nagar, Chennai-600 003.

+1CC TO MR.G.NARESHKUMAR, ADVOCATE, SR.NO. 9371
+1CC TO MR.V.GOVARDHAN, ADVOCATE, SR.NO. 9972

W.P.No.3383 of 2021

KV(CO)
KKN 23.04.2021



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