

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12580 of 2021

M.Mathalakshmi

... Petitioner

..Vs..

1. The State Rep. by
The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C Nagar,
Park Town, Chennai - 600 003.

2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai 600 003.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondent to consider petitioner representation dated on 18.05.2021 and issue a posting within the time prescribed by this Hon'ble Court.

For Petitioner : Mr.A.Ramesh

For Respondents : Mr.V.Govardhanan
Standing Counsel for TNPSC

O R D E R

The Case has been heard through video conferencing

The relief sought for in this writ petition is to direct the respondent to consider the representation submitted by the writ petitioner on 18.05.2021.

2. The petitioner participated in the process of selection for appointment to the post of Agricultural Extension Officer and she was not allowed to appear for the written examination held on 14.08.2018 and she filed W.P.No.34334 of 2018. This Court passed an order on 21.12.2018, directing the respondents to permit the petitioner to attend the oral test. Pursuant to the order of this Court, the petitioner participated in the oral test and she was not selected. Again, the writ petition was listed and this Court passed an order as follows:

"4. This Court of an opinion that, now the writ petitioner is not pressing the other grounds raised in the writ petition and in view of the submissions made by the learned counsel for the writ petitioner, the respondents are directed to publish the result of the writ petitioner in respect of the selection conducted for direct recruitment to the post of Agricultural Officer (Extension) in the Tamil Nadu Agricultural Extension Service. However, the respondents are bound to follow the other rules and regulations in relation to the process of selection.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed."

3. After the disposal of the writ petition, the petitioner filed Contempt Petition No.1065 of 2020, stating that the results were not published and the petitioner has successfully passed in the written examination and therefore, she is entitled to be appointed in the post of Agricultural Extension Officer. The contempt petition was taken up for hearing and this Court considered the submission made by the respondents/contemnor and passed the following orders on 22.04.2021:

"2. The learned counsel appearing for the respondents made a submission that the petitioner was not fully qualified and further, they have issued an order in proceedings dated 22.04.2021 informing the details of marks secured by the writ petitioner. It is further stated that the candidature in the said recruitment had been rejected as per para 12(K) and (L) of the Notification No.09/2018, dated 03.05.2018 due to wrong claim of her date of birth in the application submitted by the petitioner.

3. In view of the fact that the direction issued by this Court has been complied with, no further adjudication is required. Accordingly, the contempt petition stands closed."

4. The order passed in the contempt application reveals that the petitioner was not qualified and an order was issued in proceedings dated 21.04.2021, informing the details of the marks secured by the petitioner. The candidature of the petitioner in the said recruitment had been rejected as per para 12(K)(L) of the Notification dated 03.05.2018, due to long claim of her date of birth in the application. Thus, the reason for non selection was intimated to the writ petitioner. Thereafter, the petitioner sent a representation on 18.05.2021 to the respondents stating

that she has corrected the typographical error made in the application and therefore, she must be appointed.

5. This Court is of the considered opinion that the selection for appointment to the post of Agricultural Extension Officer was concluded and the reason for non selection was also communicated to the petitioner. The petitioner now filed a representation stating that she has corrected the typographical error in her application submitted pursuant to the recruitment notification issued by the respondents. After completion of the recruitment process, the petitioner cannot send a representation stating that she has corrected typographical error in the application to consider her for appointment. Such a claim is futile and the Court cannot consider such representation for the purpose of issuing a direction. The claim set out in the representation dated 18.05.2021 is unsustainable and only in the event of establishing legal right, the High Court would be in a position to issue a direction even to consider the representation. In view of the fact that the petitioner has not established her legal right for issuing any such direction. Accordingly, the writ petition fails and stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rpl/vri

To

1. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C Nagar,
Park Town, Chennai - 600 003.
2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai 600 003.

+1cc to Mr. A. Ramesh, Advocate Sr.No.27707/21

+1cc to Mr. v. Govardhan, Advocate Sr.No.27674/21

WP No.12580 of 2021

JPL (CO)
RV (15/07/2021)