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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.A.No.2596 of 2021
and
CMP.No.16944 of 2021

M.Mathalakshmi,

...Appellant

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: Writ appeal is filed under clause 15 of the Letter Patent praying to set aside the order dated 11.06.2021 made in W.P.No.12580 of 2021.

Prayer in W.P.No.12580 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondent to consider the petitioner representation dated on 18.05.2021 and issue a posting within the time prescribed by this Hon'ble Court.

For Appellant : Mr.Gopalakrishnan
for Mr.B.Kumarasamy

For Respondents: Mr.K.V.Sajeevkumar
Standing counsel (TNPSC)



ORDER

(Judgement of the Court was made by S.VAIDYANATHAN, J.)

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Instant writ appeal is directed against the order dated 11.06.2021 made in W.P.No.12580 of 2021.

2. In the present case, after the completion of the recruitment process, the petitioner/appellant has taken steps to make correction stating that there is a typographical error in her application, therefore, that application has to be considered and that her candidature has also to be considered for appointment. But the learned Single Judge has dismissed the Writ Petition holding that the claim made by the writ petitioner is unsustainable. The relevant paragraph Nos. 4 & 5 are extracted below.

"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".

3. In view of the aforesaid categorical finding and also considering the fact that after completion of the recruitment process, the appellant cannot try to reopen the matter that has already been concluded, we find that there is no reason to interfere with the order of the learned single Judge. Accordingly the writ appeal is dismissed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

dpq

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.

W.A.No.2596 of 2021

SSV(CO)
SU(20/12/2021)