



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5771 of 2017

and

W.M.P.Nos.6170 & 6171 of 2017

N.Prem

...Petitioner

Vs

1.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records from the file of the 2nd respondent leading to pass the impugned order dated 07.12.2016 in memorandum number 4978/PSD-RF/2016 and quash the same and consequently direct the respondents to permit the petitioner to appear in the examination to be conducted by the respondents in future.

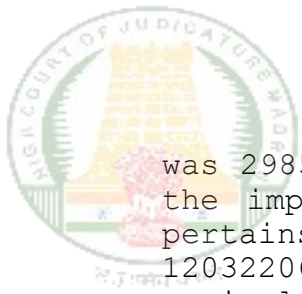
For Petitioner : Mr.P.Sathish
for Mr.M.Naraayanaswamy

For Respondents : Mr.N.Balamuralikrishnan
Standing Counsel for TNPSC

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had participated in the direct recruitment to the post of Combined Civil Services Examination-II (Non-Interview Posts), pursuant to the Notification No.17/2015 dated 12.10.2015. The petitioner's registration number is 010536048. While the petitioner claims that he had scored an overall rank of 623 with a communal rank of 221, the respondent, in the impugned order dated 07.12.2016, had claimed that the petitioner's communal rank



was 29856 and the overall rank was 96389. It is also stated in the impugned order that the ranks claimed by the petitioner pertain to another candidate with a registration number of 120322068. Since the respondent claims that the results were manipulated, they have invoked paragraph 19(a) of the TNPSC's Instructions and had debarred the petitioner from appearing in any of the examinations/selections to be conducted by the Commission in future, for a period of 7 years, with effect from 16.11.2016.

3. While the learned counsel for the petitioner submitted that the overall rank produced by him was downloaded from the TNPSC Website and that he had not manipulated or tampered with the original results, the learned Standing Counsel for the respondents submitted that the website discloses all particulars with regard to the candidates, with reference to their respective register numbers, including the ranks obtained by them in the recruitment process. When the rank furnished by the petitioner was compared, the website reflects that the rank belonged to some other candidate whose registration number was 120322068. In this regard, they claim to have conducted a preliminary enquiry with the petitioner and his father on 08.07.2016 and thereafter had come to the conclusion that the petitioner requires to be debarred for 7 years.

4. Though the allegation made against the petitioner seems to be very serious in nature, wherein the possibility of manipulating or tampering with the results cannot be ruled out, however, imposing of a penalty by debarring the petitioner for a period of 7 years, is not based on any intelligible differentia.

5. Clause 19(a) under the "Instructions to Candidates" of the application does not specify the number of years for cases of tampering or alteration of certificates. There is no justification made either in the impugned order or in the counter affidavit as to how the respondents have taken the extreme step of debarring the petitioner for a period of 7 years. It is seen that the petitioner was 23 years of age, when he had participated in the selection process and debarring him for 7 long years may cause serious prejudice to his future career. On this limited scope, this Court is of the view that if the debarring period of 7 years is reduced to 5 years, the ends of justice could be secured.

6. In the light of the above observations, the impugned order passed by the second respondent dated 07.12.2016 is modified to the effect that the debarring period of 7 years imposed by the respondent is reduced to 5 years with effect from 16.11.2016. All other findings and observations made by the respondent in the impugned order dated 07.12.2016 shall remain intact.



7. The writ petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

hvk

To

1.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

+1cc to M/s.M.Narayaayanaswamy, Advocate, S.R.No.35829

+1cc to Mr.N.Balamuralikrishnan, Advocate, S.R.No.36312

W.P.No.5771 of 2017

and

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GPL (CO)

RVM(23/08/2021)