



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.13195 of 2012

and M.P.Nos.2 of 2012 and 1 of 2014

(Through Video Conferencing)

R.Viji

: Petitioner

Vs.

1.The Registrar General

High Court of Judicature
Madras, Chennai.

2.The Registrar (Administration)

High Court of Judicature at Madras
Chennai.

3.The District and Sessions Judge,
Karur

4.The Government of Tamilnadu

represented by its Secretary to Government,
Personal and Administrative Reforms (B) Department
Secretariat,
Chennai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the impugned records of the 3rd respondent in his proceedings in A.No.11/2012/A1 dated 26.03.2012 appointing 8 candidates as Typists and 3 candidates as waiting list candidates for appointment as temporary Typist and thereby refusing to appoint the petitioner who scored 4th rank in the written examination and to quash the same and further directing the 3rd respondent to appoint the petitioner in either of the categories of Typist or waiting list category of temporary typist from 26.03.2012 with all consequential benefits.

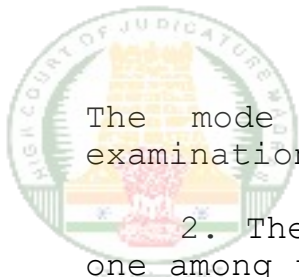
For Petitioner : Mrs.L.Victoria Gowri

For Respondents : Mr.R.Aravindan for R1 to R3
Mrs.J.Padmavathi Devi for R4

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner herein is one among the candidate, who applied for the post, in pursuant to the advertisement made on 06.02.2012.
<https://hcservices.ecourts.gov.in/hcservices/>



The mode of selection for the aforesaid post is a written examination followed by an oral interview.

2. The petitioner was allowed to have the oral interview being one among the 47 candidates out of 144, who appeared for the written examination based upon the marks obtained.

3. In the oral interview conducted including the practical test asking all the candidates to type in the same typewriting machine, the petitioner did not get through. Thereafter, she filed writ petition.

4. Though the writ petition was filed in the year 2012, an application to implead the selected candidates was filed in M.P.(MD) No.1/2014.

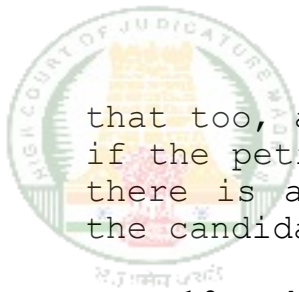
5. The learned counsel for the petitioner submitted that the selection ought to have been made based upon the written examination. For the reasons known, the respondents have come up the consideration of marks obtained in the written examination, even in the oral interview not specific marks have been awarded. There is a malice in law involved. In support of her contention, reliance has been made on the judgment of the Apex Court in Civil Appeal No.2103 of 2020 in Ramjit Singh Kardam and others v. Sanjeev Kumar and others dated 08.04.2020.

6. The learned counsel for the respondent No.3 submitted that due procedure has been followed by the committee, which considered the suitability of the candidates and after oral interview, which is inclusive of typing done by the candidates, the final selection has been made.

7. The selection was for the year 2012. Now, we are in the year 2021. The application for impleading the selected candidates was made in the year 2014, in which, no notice is said to be issued.

8. We have perused the notification, which does not speak about the taking into consideration of the marks obtained in the written examination. Ultimately, for the post of Typist, performance of the candidate is important. There is nothing to substantiate the malice either on law or on fact against the respondents. Though it would have been appropriate to have a better different selection process, we are not willing to hold that the process adopted would enable the petitioner to get the relief. We may note a subsequent decision has been made by centralizing the entire recruitment by following uniform procedure, which is inclusive of both written and viva voce.

9. The judgment relied upon also does not help the case of the petitioner. In the said judgment, a factual recording has been made with respect to the selection of the candidates. Thus, looking from



that too, at this point of time. We may also note that it is not as if the petitioner has been made to undergo a different procedure nor there is any change. In fact, the same procedure adopted for all the candidates including the petitioner.

10. The writ petition stands dismissed accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Registrar General
High Court of Judicature
Madras, Chennai.
- 2.The Registrar (Administration)
High Court of Judicature at Madras
Chennai.
- 3.The District and Sessions Judge,
Karur
- 4.The Secretary to Government,
Personal and Administrative Reforms (B) Department
Secretariat, Chennai.

+1 CC to SPL GP (SR-5907[F] dated 18/02/2021)

Order made in
W.P. (MD)No.13195 of 2012
and M.P.Nos.2 of 2012 and 1 of 2014
Dated: 17.02.2021

VB (01.03.2021) 3P 6C