



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3124 of 2022

V.Meenambigai

.. Petitioner

Vs

1.The Selection Committee,
rep. by the Registrar General,
Madras High Court Buildings,
Chennai - 600 104.

2.The Member - Convener,
Selection Committee Member cum
The Additional Chief Secretary to Government,
Co-operation, Food and Consumer Protection Dept.,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

3.The Member,
Selection Committee Member cum
The Law Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

4.The Registrar,
Madras High Court - Recruitment,
Madras High Court Buildings,
Chennai - 600 104.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to permit the petitioner to attend the viva-voce in consonance to the Notification No.3/2021 dated 19.12.2021 calling upon for the post of Member in the District Consumer Disputes Redressal Forum by considering the petitioner's representation dated 11.02.2022.



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For the Petitioner : Ms.R.S.Maitreya

For the Respondents : Mr.V.Ayyadurai
Senior Counsel
for Mr.Duraieshwar
for respondent Nos.1 and 4

: Mr.P.Muthukumar
State Government Pleader
for respondent Nos.2 and 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed to seek a direction on the respondents to permit the petitioner to attend the viva-voce for the post of Member, District Consumer Disputes Redressal Forum, pursuant to the notification dated 19.12.2021.

2. It is submitted that as per the notification aforesaid a candidate was required to obtain minimum 30 qualifying marks in the written examination and minimum 8 qualifying marks in the viva-voce. The petitioner has secured 34 marks in the written examination, yet she has not been called for the viva-voce and, therefore, the petitioner made a representation. As the respondents did not pay heed to the said representation, the writ petition has been filed.

3. We have considered the submission made by learned counsel for the petitioner and find that the prescription of minimum qualifying marks required to be secured in the written examination does not indicate that all the candidates who secure the minimum qualifying marks would be called for viva-voce. Rather, paragraph 5(b) makes it clear that the invitation for viva-voce would be in the ratio of 1:5 or such other ratio as may be determined by the Selection Committee. The paragraph aforesaid is quoted hereunder:

"5(b) Viva-voce (for 25 marks) (minimum qualifying marks 8)

The candidates for viva-voce will be shortlisted based on the marks secured in the Written Examination in the ratio of 1:5 or such other ratio as may be determined by the Selection Committee. Such shortlisting will be done based on the marks obtained in the written examination, fulfillment of eligibility criteria, experience and achievements of the candidates, as stated by them, with proof,



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in their applications. The decision of the Selection Committee in this regard shall be final and no correspondence in this regard will be entertained. The object of the viva-voce test is to assess the suitability of the candidate, for judging their mental alertness, general knowledge, clear and logical exposition, attitude, ethics, power of assimilation, power of communication, character, intellectual dept, his/her tact and ability to handle various situations in the Court / Administrative / Management Skills."

[emphasis supplied]

4. Learned counsel for the petitioner could not produce any material to show the marks secured by the last candidate who was called for the viva-voce based on the ratio fixed or whatever ratio has been determined by the Selection Committee. It is also not the case of the petitioner that any candidate having secured lesser marks than the petitioner has been called for viva-voce.

5. It is stated by learned counsel for the respondents that to maintain the ratio, the candidates who secured 45 and above marks in the written examination alone have been called.

6. In view of the above, we do not find a case in favour of the petitioner. That apart, the paragraph quoted above categorically states that no correspondence in regard to the shortlisting of candidates for viva-voce will be entertained. It is in the light of said prescription that response to the representation made by the petitioner may not have been given.

For the foregoing reasons, finding no merits, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.3289 of 2022 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To:

- 1.The Registrar General,
Selection Committee,
Madras High Court Buildings,
Chennai - 600 104.
- 2.The Member - Convener,
Selection Committee Member cum
The Additional Chief Secretary to Government,
Co-operation, Food and Consumer Protection Dept.,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 3.The Member,
Selection Committee Member cum
The Law Secretary,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 4.The Registrar,
Madras High Court - Recruitment,
Madras High Court Buildings,
Chennai - 600 104.

+1cc to Ms.R.S.Maitreya, Advocate SR.No.9591

+1cc to Government Pleader SR.No.9850

W.P.No.3124 of 2022

SSN(CO)
GMY(22/02/2022)