



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos. 4305 & 4469 of 2022

1.M.Saj	..Petitioner in WP.No.4305 of 2022
2.R.Devaki	..Petitioner in WP.No.4469 of 2022

Vs.

1.Controller of Examination,
Tamil Nadu Public Services Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai.

2.Tamil Nadu Public Service Commission,
represented by its Secretary,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai.

..Respondents in WP.No.4305 of 2022

3. Controller of Examination,
Tamil Nadu Public Services Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai.

..Respondent in WP.No.4469 of 2022

Common Prayer: These writ petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to collect the main written examination fees and permit the petitioner to upload the original certificates and to participate in the same Assistant Public Prosecutor -2 in Prosecution Department (Tamil Nadu General Service) main written exam which is to be held on 06.05.2022 F.N and A.F & 07.05.2022 F.N and A.F.

For Petitioner : Mr.A.S.Palanisamy
(in both WPs) for Mr.s.Arjun

For Respondents: Mr.V.Vaithiyalingam, Standing Counsel
(in both WPs)



COMMON ORDER

The relief sought for in the writ petition is to direct the respondent to collect the main written examination fees and permit the petitioner to upload the original certificates and to participate in the same Assistant Public Prosecutor -2 in Prosecution Department (Tamil Nadu General Service) main written exam which is to be held on 06.05.2022 & 07.05.2022.

2. The learned counsel for the petitioners submitted that pursuant to the notification No.10/2021 issued by the respondent/commission, the petitioners have applied for the post of Assistant Public Prosecutor Grade -2 (Prosecution Department) through online. The petitioners were permitted to write preliminary written examination, which was conducted on 06.01.2021 and the respondent-Commission has published the list of provisionally selected candidates for the said post on 25.01.2022, the petitioners herein also provisionally selected for the written examination in the above list. Those provisionally selected candidates are directed to attend the main written examination scheduled to be held on 06.05.2022 and 07.05.2022 on payment of Rs.200/- and directed to upload scanned copy of all the relevant documents through online mode from 03.02.2022 to 11.02.2022 (5.45 pm)

3. Though the petitioners had stated in the affidavit that they have not received any information with regard to the change of last date for payment of fee and to upload and the relevant documents, during the course of arguments the learned counsel for the petitioners submitted that the petitioners have received information through email and due to oversight, the petitioners did not notice the aforesaid communication. Therefore, due to the said bonafide reasons, the petitioners did not pay the fee on 10.02.2022. The petitioners have attempted to pay the fee through online on 11.02.2022, but the website portal for payment of fee was disabled by the respondent-Commission, therefore, the petitioners could not pay the fee for the main written examinations.

4. The learned standing counsel appearing for the respondent-Commission has submitted the as per instructions, the last date for payment of fee of Rs.200/- for Main written examination and uploading of relevant scanned documents is on or before 10.02.2022. After the said date, the candidates cannot use the website portal for payment and uploading the documents.

5. Heard both sides and perused the materials available on record.

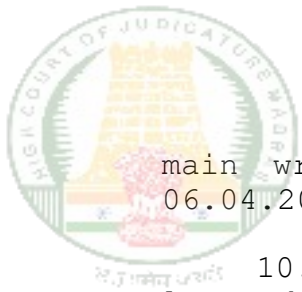


6. According to the learned counsel for the petitioners, the petitioners mainly rely upon the provisional selection list published by the respondent-Commission dated 25.01.2022, wherein it is mentioned to pay the examination fee and upload the relevant documents from 03.02.2022 to 11.02.2022 (5.45 pm). From the aforesaid list dated 25.01.2022, it is clear that the last date for payment of examination of fee as well as to upload documents is 11.0.2022 (5.45 p.m). Subsequently, another communication dated 29.01.2022 has been sent through email, mentioning the last date for payment of examination fee and to upload the documents on or before 10.02.2022. Though the petitioners had stated in the affidavit that they have not received any information with regard to the change of last date for payment of fee and to upload and the relevant documents, but during the course of arguments the learned counsel for the petitioners admitted that the petitioners have received information through email and due to oversight, the petitioners did not notice the aforesaid communication. The petitioners have also sent email to the respondent-Commission on 11.02.2022 and the copy of the said communication also enclosed in the typed set of papers.

7. The respondent has not disputed the said email submitted by the petitioners to the respondent/Commission. Since there is no reply from the respondent-Commission, the petitioners have filed the present writ petition seeking directions to permit the petitioners to participate in the main examinations which is scheduled to be held on 06.05.2022 and 07.05.2022.

8. There is no satisfactory explanation for the change of last date from 11.02.022 to 10.02.2022 for payment of examination fee and to upload relevant documents. In Clause (6) of the provisional list dated 25.01.2022 published by the respondent-Commissioner, it is stated that 'candidates who have been admitted provisionally to the Main Written Examination are hereby advised to upload the scanned copy of all the relevant documents without fail. Failure to upload even any of the essential documents will result in the non-admission to the next stage of selection.' Subsequently, another communication dated 29.01.2022 has been sent to the provisionally selected candidates giving instructions to pay the examination fee on or before 10.02.2022. The said instructions is contrary to the instructions mentioned in the aforesaid provisional selection list dated 25.01.2022 published by the respondent.

9. The contention of the learned counsel for the petitioner is that, since these petitioners have passed the preliminary examination, no prejudice would be caused to the respondent-commission to permit these petitioners to participate in the



main written examinations which is scheduled to be held on 06.04.2022 and 07.05.2022.

10. This Court finds some force on the contention of the learned counsel for the petitioners that the respondent commission has sent two communications mentioning the last date for payment of fee and uploading of documents which are contrary to each other and also taking note of the bonafide reasons stated by the learned counsel for the petitioners for non payment of fee on the last date i.e.10.02.2022, in the interest of justice, this Court is inclined to accept the submissions made by the learned counsel for the petitioners and pass the following order;

i. Petitioners are directed to make payment of fees Rs.200/- towards main written examination through Demand Draft or through any mode as instructed by the respondent-Commission along a copy of all the relevant documents to the respondent-Commission on or before 21.04.2022 (5.45 p.m).

ii. On receipt of such particulars, the respondent-Commission is directed to permit the petitioners to appear for the main written examination which is scheduled to be held on 06.05.2022 and 07.05.2022, if it is otherwise in order.

iii. It is made clear that if any delay on the part of the petitioners in submitting the particulars within a time as specified by this Court, the respondent-Commission shall not accept the same.

11. With the above observations and directions, these writ petitions are disposed of. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To
1.The Controller of Examination,
Tamil Nadu Public Services Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai.



2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai.

+2 Ccs to Mr.A.Saravanan, Advocate sr 26199

+1 CC to Mr.S.Arjun, Advocate sr 26104

+2 Ccs to Mr.V.Vaithiyalingam(TNPSC) Advocate sr 26274 & 26275

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JPII(CO)
SP(19/04/2022)