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W.P.No.471 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.471 of 2018

and

W.M.P.No.542 of 2018

R.Ayyandurai

... Petitioner

Vs.

1.The Secretary to Government,
Mines, Minerals and Geology Department,
Secretariat,
Chennai – 600009.

2.The Secretary and Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai – 600 003.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the Provisional Selection List for oral interview dated 03.01.2018 issued by the 2nd respondent for appointment by direct recruitment vide Notification No.05/2017 dated 22.02.2017 (Advertisement No.460) for the posts of Geologist/Assistant Geologist and its Annexure and quash the same and consequently direct the 2nd respondent to consider the petitioner vide Reg No.020001001 for Selection/Appointment to the post of Geologist/Assistant Geologist.



For Petitioner : Mr.N.Umapathi
For R1 : Mr.S.Rajesh
Government Advocate
For R2 : Mr.Karthik Rajan
[For TNPSC]

ORDER

The provisional selection list published by the Tamil Nadu Public Service Commission for appointment to the post of Zoologist/Assistant Zoologist is sought to be quashed in the present writ petition.

2. The petitioner participated in the process of selection pursuant to the recruitment notification issued by the Tamil Nadu Public Service Commission on 22.02.2017. The name of the petitioner was not included in the provisional selection list. Thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel for the petitioner states that the ratio to be adopted for qualifying candidates was violated and therefore, the case of the writ petitioner is to be considered. The Tamil Nadu Public Service



Commission allowed excess candidates to participate in the oral test, which resulted in denial of opportunity to the writ petitioner.

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4. With reference to the contentions raised on behalf of the writ petitioner, the learned counsel for the 2nd respondent objected the same by stating that the procedures as contemplated were followed, even while preparing the selection list. The petitioner was found not within the zone of consideration and therefore, he was not called for oral test and thus, he has no locus to question the selection process at later point of time.

5. In this regard, it is relevant to extract paragraphs 4 and 5 of the counter affidavit filed by the 2nd respondent, which reads as under:

“4. It is submitted that in paragraph 8 of the affidavit the petitioner has stated that he has answered correctly for almost 128 questions and scored 192 marks. The contention raised by the petitioner with regard to marks, is wrong. Further, he has not reached the zone of selection for provisional admission to oral test. The marks of the candidates those who have not been provisionally admitted to oral test will be hosted in the Commission's website in due course after



completion of entire selection process as per the procedures being followed.

5. It is submitted that with reference to paragraph 11 of the affidavit it is submitted that the petitioner with Reg.No.020001001 belongs to MBC/DC Ortho category. He had been admitted to certificate verification under GT(G) Ortho. He has been provisionally admitted for 2nd phase of certificate verification when the list was drawn at the ratio of 1:5 under PG degree Standard. While short listing the candidates for oral test at the ratio of 1:2 / 1:3 he has not reached the zone of consideration. The marks obtained by the petitioner in the written examination is below the cut-off marks of GT(G) Ortho and MBC/DC(G) category under PG Degree Standard. The petitioner (Reg.No.020001001) has not reached the zone of selection for provisional admission to oral test the ratio 1:2 / 1:3 under PG degree Standard and also for degree Standard posts. Hence, he has not been called for oral test. The list of eligible candidates has already published in the Tamil Nadu Public Service Commission website.”



6. The process of selection was concluded and the selected candidates were appointed. However, the petitioner has challenged the provisional selection list, subsequently, the final selection list was published and the marks scored by the candidates were also published in the website of the Tamil Nadu Public Service Commission.

7. This being the developments occurred during the pendency of the writ petition, the relief as such sought for at this length of time deserves no merit consideration. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.10.2022

Jeni

Index : Yes
Speaking order

To

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S.M.SUBRAMANIAM, J.

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