



WEB COPY



W.P.No.11654 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11654 of 2021
and W.M.P.No.12397 of 2021

M.Venkatesan

.. Petitioner

Vs.

1. The Chairman,
The Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar, Park Town,
Chennai - 600003.

2. The Controller of Examination,
The Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar, Park Town,
Chennai - 600 003.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to call the petitioner for interview for the Group II Post and consequently appoint him in any Group II Post.

For Petitioner : Mr.Balan Haridoss
for Mr.M.Muruganantham

For Respondents : Mrs.G.Hema
Standing Counsel for TNPSC

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W.P.No.11654 of 2021

ORDER

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2. The learned counsel appearing for the petitioner submitted that pursuant to the Notification No.15/2018, dated 10.08.2018, issued by the respondents, the petitioner has applied for the posts in Group-II services. He appeared for the main written examination on 23.02.2019 and secured 126 marks and therefore, according to him, he is eligible for attending the oral test as his marks comes well within the cut-off marks. Thereafter, the petitioner submitted all his documents to the respondents through its e-seva mayam. Subsequently, the registration number of candidates invited for oral test has been published by the respondents. As the registration number of the petitioner did not find a place in the candidates invited for oral test and also there was no response from the respondents, he filed the present writ petition seeking the aforesaid relief.

3. The learned standing counsel appearing for the respondents



W.P.No.11654 of 2021

submitted before this Court that the petitioner has not enclosed his community certificate along with other documents and therefore the petitioner's name was not considered.

4. The learned counsel appearing for the respondents further submitted that earlier on similar issue writ petitions have been filed before this Court in W.P.No.29349 of 2018 and this Court by an order dated 20.12.2018, allowed the writ petition and granted relief to the writ petitioner therein. Assailing the said order, the respondents preferred an intra Court appeal in W.A.No.3285 of 2019 and the same was dismissed on 26.09.2019. Challenging the said judgment of this Court, the respondents have preferred a Special Leave Petition in S.L.P.(C)No.4357 of 2020, before the Hon'ble Supreme Court and obtained an order of stay of the operation of the judgment of this Court and the said S.L.P. is still pending. Therefore, it is submitted that in view of the pendency of the Special Leave Petition before the Hon'ble Supreme Court, at this stage, the relief as prayed for by the petitioner cannot be considered by the respondents and the same will be considered subject to the outcome of the decision of the Hon'ble Supreme Court.



W.P.No.11654 of 2021

5. Heard the learned counsel for the parties and with the consent of the

learned counsel for the parties, the writ petition is taken up for final disposal.

6. In view of the pendency of the S.L.P.No.4357 of 2020, before the Hon'ble Supreme Court, if any order has been passed by the Hon'ble Supreme Court, the said order would be binding on both the parties. If the S.L.P. is dismissed by the Hon'ble Supreme Court, the respondents shall inform the same to the petitioner and if it requires, call the petitioner for verification of his community certificate. It is nevertheless to say that the petitioner shall also approach the respondents if the SLP is dismissed by the Hon'ble Supreme Court. With the above observations, the writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

06.07.2022

Index: Yes / No

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D.KRISHNAKUMAR, J.

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