



WEB COPY

W.P.No.25826 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25826 of 2019
and
W.M.P.No.25269 of 2019

R.Baskar

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Rod,
VOC Nagar, Opp. To MMC Boys Hostel,
Park Town, Chennai – 600 003.

2.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Rod,
VOC Nagar, Opp. To MMC Boys Hostel,
Park Town, Chennai – 600 003.

3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Rod,
VOC Nagar, Opp. To MMC Boys Hostel,
Park Town, Chennai – 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first Respondent to consider the Petitioner Representation dated 25.07.2019 for appointment to the Post of



Motor Vehicle Inspector Grade II (BC-OBCM-General Category).

For Petitioner : Mr.A.M.Esakkiappan

For Respondents : Mr.R.Bharanidharan
[For TNPSC]

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation dated 25.07.2019 for appointment to the post of Motor Vehicle Inspector Grade II.

2. The petitioner participated in the process of selection for appointment to the post of Motor Vehicle Inspector Grade II. The petitioner scored 256.5 marks in the selection process. Though the petitioner was within the zone of consideration he was not considered during the relevant point of time. Thus, the petitioner made a representation, which was not considered.

3. In this regard, the learned counsel for the respondents brought to the notice of this Court that one Mr.S.Alagesan filed a writ petition in W.P.No.35760 of 2016 and the matter went up to the Division Bench of this Court, which was allowed. Based on the order the Court, Mr.S.Alagesan was



appointed and pertinently, and the said Mr.S.Alagesan secured 264.00 marks in the selection process. Since the petitioner scored only 256.5 marks and Mr.S.Alagesan who was appointed scored 264 marks, the case of the writ petitioner was not considered. In this regard paragraphs 7 and 8 of the counter affidavit reads as under:

“7. It is respectfully submitted that against the notified vacancies of 17, 16 vacancies were filled up and the remaining one vacancy under BC(OBCM)(G) category was kept vacant in obedience to the interim orders of the Hon'ble High Court of Madras vide its final orders dated 21.06.2019 made in W.A.No.1649 of 2018 in W.P.No.35760 of 2016 filed by Thiru S.Alagesan directed the Commission to consider the experience acquired by the petitioner as well as his candidature for the above said post.

8. It is respectfully submitted that in compliance with the orders of the Hon'ble High Court dated 21.06.2019, the Oral Test for the candidate Thiru S.Alagesan was conducted on 23.10.2019 F.N. The said candidate (Thiru.S.Alagesan) secured 264.00 marks which is



higher than that of the marks secured by the last selected candidate under BC(OBCM)(G) category. Hence, the candidate, Thiru.S.Alagesan [BC(OBCM) category] was selected to the post of Motor Vehicle Inspector, Grade-II in the recruitment for the year 2011-2012. The name and other particulars of Thiru.S.Alagesan had been forwarded to Head of the Department concerned for further action and a Memo of Selection Intimation had also been sent to him. Therefore, all the notified vacancies for the recruitment to the post of Motor Vehicle Inspector Grade-II 2012 had been filled up.”

4. That apart the process of selection was concluded long back and the petitioner scored lesser than Mr.S.Alagesan, who was appointed pursuant to the orders of this Court. Thus, the relief as such sought for in the present writ petition cannot be granted.



5. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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