



WEB COPY



W.P. No.33899 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 16.12.2022

CORAM:

**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

W.P. No.33899 of 2022

and

W.M.P. No.33388 of 2022

C.Prabhu

..

Petitioner

VS

Tamil Nadu Public Service Commission

Represented by its Secretary

Frazer Bridge Road

V.O.C. Road

Chennai - 600 003.

..

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of declaration, declaring the action of the respondent in denying permission to attend the interview without any justifiable reason as arbitrary and illegal and consequently direct the respondent to include the candidature of the petitioner in the recruitment to the post of Assistant Public Prosecutor, Grade -II in Prosecution Department and to appoint the petitioner as Assistant Public Prosecutor, Grade-II in Prosecution Department in accordance with position in merit.



W.P. No.33899 of 2022

WEB COPY

For Petitioner : Mr. N.U.Pressanna  
For Respondent : Mr.R.Bharanidharan  
Standing Counsel

### ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.R. Bharanidharan, learned Standing counsel accepts notice for the respondent / TNPSC.

3. The grievance of the petitioner is that he had applied for the post of Assistant Public Prosecutor, Grade-II, Prosecution Department, pursuant to a recruitment Notification issued by the respondent/ TNPSC. He had successfully completed the written examination and was also called for the oral test. However, according to him, he was not permitted to attend the oral test thereafter. In such circumstances, he has filed this writ petition to declare the action of the respondent in denying permission for the petitioner to attend the interview without any justifiable reason as arbitrary and illegal and consequently, direct the



W.P. No.33899 of 2022

respondent/TNPSC to include the candidature of the petitioner in the recruitment to the post of Assistant Public Prosecutor, Grade -II.

4. Heard Mr.N.U.Pressanna, learned counsel for the petitioner and Mr.R. Bharanidharan, learned Standing counsel for the respondent / TNPSC.

5. The learned Standing Counsel appearing for the respondent, on instructions, would now submit that the appointment orders have already been issued to the successful candidates, excepting for six posts, which have been directed to be reserved pursuant to the directions given by this Court.

6. The question of granting an interim relief at this stage will not arise. The only limited relief that can be granted to the petitioner is to direct him to give a representation to the respondent/TNPSC stating his grievance, as stated supra and requesting them to include his candidature in the recruitment to the post of Assistant Public Prosecutor, Grade-II, Prosecution Department and a direction can be issued to the respondent/TNPSC to consider the same on merits and in accordance with law, within a time frame to be fixed by this Court.



W.P. No.33899 of 2022

WEB COPY

7. For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a representation to the respondent/TNPSC to select him for the post of Assistant Public Prosecutor, Grade-II, Prosecution Department, pursuant to his successful completion of the written examination, within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the respondent/ Commission is directed to pass final orders on merits and in accordance with law on the petitioner's representation, within a period of two weeks thereafter.

8. If the petitioner is aggrieved by the final orders passed by the respondent/TNPSC, he is granted the liberty to challenge the same before the appropriate forum in the manner known to him under law.

9. With the aforesaid, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**16.12.2022**

Index: Yes/No

Speaking order/Non-speaking order

drm/vsi2



W.P. No.33899 of 2022

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The Secretary  
Tamil Nadu Public Service Commission  
Frazer Bridge Road  
V.O.C. Road  
Chennai - 600 003.



WEB COPY



W.P. No.33899 of 2022

**ABDUL QUDDHOSE,J.**

(drm)

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