



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD) .No.4402 of 2022

and

W.M.P(MD)No.3716 of 2022

Baskaran

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway,
Chennai-600 003.

2.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway,
Chennai-600 003

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents permit the petitioner to apply for the post of Executive Officer, Grade I included in Group VII A services as per the 1st respondent's advertisement no.603 and notification No.01/2022 dated 21.01.2022 and to permit the petitioner to write the above examination scheduled to be held on 23.04.2022 and 24.04.2022 by considering the petitioner's representation dated 25.02.2022 within the time limit that may be prescribed by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.V.Paneer Selvam

ORDER

The relief sought for in the present writ petition is to direct the respondents to permit the petitioner to apply for the post of Executive Officer, Grade I included in Group VII A services, as per the 1st respondent's advertisement no.603 and notification No.01/2022 dated 21.01.2022 and to permit the petitioner to write the above examination scheduled to be held on 23.04.2022 and 24.04.2022, by considering the petitioner's representation dated 25.02.2022.

2.The grievance of the writ petitioner is that though he was submitted an application for recruitment to the post of Executive



Officer Grade-I before the last date ie., on 21.02.2022, the petitioner's apprehension is regarding the Aadhar linking process, which must be done before 28.02.2022.

3.The learned counsel for the petitioner states that the petitioner submitted an application within the last date, however, he raises an apprehension that his Aadhar linking was done after 21.02.2022 and therefore, his application may be rejected by the respondents. The petitioner in otherwise seeks extension of time to submit an application. He says that the last date is 21.02.2022 and the last date for Aadhar linking is 28.02.2022 are improper and therefore, the time for application itself must be extended beyond the period of 21.02.2022.

4.The learned counsel appearing on behalf of the respondents made a submission that the recruitment process once set in motion based on the schedule notified, the same cannot be relaxed or modified and even as per the judgment of the Hon'ble Supreme Court in the case of **Bedanga Talukdar-vs-Saifudaulah Khan and others**, reported in **(2011)12 Supreme Court Cases 85**, wherein the Apex Court has held as follows:

"29.We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There can not be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant Statutory Rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the Rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of quality contained in Articles 14 and 16 of the Constitution of India.

30.A perusal of the advertisement in this case will clearly show that there was no power of relaxation. In our



that the condition with regard to the submission of the disability certificate either along with the application form or before appearing in the preliminary examination could be relaxed in the case of respondent No. 1. Such a course would not be permissible as it would violate the mandate of Articles 14 and 16 of the Constitution of India.

5.This Court is of the considered opinion that the last date fixed for submission of application, as per the notification, cannot be altered by the High Court by exercising the power of judicial review under Article 226 of the Constitution of India. Therefore, the petitioner, based on certain apprehension or otherwise, cannot seek extension of time for submission of application or relaxing the last date for submission of application as notified by the respondents. Such a course is impermissible and therefore, the petitioner has not established even a semblance of legal rights for the purpose of considering the relief as such sought for in the writ petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai-600 003.

2.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road,Broadway,
Chennai-600 003

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-12089[F] dated 15/03/2022)

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RD(30.03.2022) 3P 4C