



W.P(MD)No.9288 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9288 of 2022
and
W.M.P(MD)Nos.6666 & 6668 of 2022

V.Kathiravan

... Petitioner

Vs

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned order uploaded by the second respondent Nil dated and quash the same.



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For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.V.Panneer Selvam
Standing Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Standing Counsel appearing for the respondents.

2. Tamil Nadu Public Service Commission (TNPSC) issued notification dated 25.08.2021 calling for applications from eligible candidates for direct recruitment for the post of Assistant Public Prosecutor, Grade-II in Prosecution Department. The petitioner applied in response thereto. He wrote the preliminary examination. However, he was not allowed to write the main examination. That led to the filing of this writ petition.

3. Since oral test is to be held tomorrow and day-after-tomorrow (01.12.2022 & 02.12.2022), the learned counsel appearing for the petitioner called upon this Court to take up the matter for final disposal.



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4. When the matter was taken up for final disposal, the learned Additional Advocate General drew my attention to Clause 11(B)(ii) of the notification. It reads as follows:

“11.(B) DECLARATION REGARDING CRIMINAL CASES (OR) DISCIPLINARY CASES:

(i) ...

(ii) Candidates who have declared conviction in criminal cases or punishment in disciplinary cases, in their online application, must upload / produce the relevant court orders and/or release orders or memorandum of proceedings, as the case may be, when called for. Failure to upload / produce such papers, shall result in rejection of candidature.”

5. The learned counsel appearing for the petitioner points out that though he was implicated in a criminal case in Crime No.529 of 2014, it was closed as mistake of fact and the jurisdictional Magistrate had also accepted the same as early as on 09.12.2015. Copy of the same has been enclosed at Page No.31 of the typed set of papers. But there is nothing on record to show that this was uploaded.



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6. The instructions set out in the notification are clearly binding on the applicants; they cannot wriggle out the consequences following therefrom.

When the instructions stipulate that the applicant must declare and also upload the details regarding the criminal cases, failure would definitely entitle rejection of candidature. The stand taken by the respondents does not call for interference. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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