



W.P(MD)No.9391 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.9391 of 2022
and
W.M.P(MD)No.6729 of 2022

M.Moovendhan

... Petitioner

Vs

1.The Additional Chief Secretary to the Government,
Law Department,
St.George Fort,
Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai – 600 003.

3.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
Chennai – 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the E-Rejection copy of the impugned order passed by the third



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Respondent dated 28.04.2022 and quash the same as illegal and unconstitutional and consequently directing the respondents to allow the petitioner in the Main Examination conducted by the Tamilnadu Public Service Commission for the post of “Assistant Public Prosecutor Grade-II in Prosecution Department (Tamil Nadu General Service)”.

For Petitioner : Mr.C.Thirupathi

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 right the main examination. That led to the filing of this writ petition.



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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.

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.201 of 2004 on the file of Tallakulam Police Station but he was eventually acquitted by the learned III Additional District and Sessions Judge, (PCR) Madurai in Spl.S.C.No.94 of



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2006 on 18.06.2007. Copy of the same has been enclosed in the typed set of papers. But there is nothing on record to show that this was uploaded.

6. The instructions set out in the notification are clearly binding on the applicants; they cannot wriggle out of the consequences flowing therefrom. When the instructions stipulate that the applicant must declare and also upload the details regarding the criminal cases, failure would definitely entail rejection of candidature. The stand taken by the respondents does not call for interference. This writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2022

Index : Yes / No
Internet : Yes/ No
mga

To

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G.R.SWAMINATHAN, J.

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