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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.12210 of 2019
and
W.M.P.(MD) Nos.9169 & 9170 of 2019

I.Anandaraj ... Petitioner

-vs-

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Park Town,
Chennai-600003. ... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for records pertaining to the impugned provisional selection list issued by the respondent office dated 09.05.2019 and quash the same as illegal in so far as selecting the candidates those who do not possess the required qualification viz., M.Sc (Horticulture) and consequently direct the respondent to include the petitioner's name in the provisional selection list for the post of Assistant Director of Horticulture in the Tamilnadu Horticulture Service, 2018-2019.

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.J.Anandkumar,
Standing Counsel

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O R D E R

The provisional selection list issued by the respondent on 09.05.2019 is under challenge in the present writ petition.

2.The case of the petitioner is that selection was made for appointment to the post of Assistant Director of Horticulture. The petitioner possessed requisite qualification and participated in the process of selection. However, the petitioner's name was not found in the provisional selection list. Thus, the petitioner is constrained to move the present writ petition.

3.Though the learned counsel for the petitioner made a submission that persons, who all are not qualified, were appointed,

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no challenge regarding such selection is made in the present writ petition. The selection list is challenged in general by stating that the petitioner is fully qualified and the persons, who secured lesser marks were appointed.

4.However, the counter affidavit filed by the respondent-Tamil Nadu Public Service Commission reveals that the petitioner belongs to SC Community and he has secured total marks of 301.50. The mark obtained by the last selected candidate in the SC Community is 324.50. Thus, the petitioner was not considered for appointment to the post of Assistant Director of Horticulture, since he has not reached the zone of selection.

5.This Court is of the considered opinion that the petitioner was not in the zone of consideration. Under these circumstances, the selection list cannot be interfered with. Further, the selected candidates were already appointed and are working in the Department. Thus, the writ petitioner has not made out any acceptable ground for the purpose of considering the relief as such sought for in the present writ petition and the writ petition is liable to be dismissed.

6.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

abr

To
The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Park Town,
Chennai-600003.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-11722[F] dated 11/03/2022)

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-11705[F] dated 11/03/2022)

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SVS(CO)
SC(25.03.2022)

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