



W.P(MD)Nos..25219, 25220 and 25256 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.25219, 25220 and 25256 of 2022

and

W.M.P.(MD)Nos.19301, 19302, 19305, 19349, 19350,
19351, 19303, 19304 and 19306 of 2022

W.P.(MD)No.25219 of 2022:-

R.Elamvazhuthi

... Petitioner

Vs.

1.The Tamil Nadu Public Service Commission,
Rep. by its Secretary, TNPSC Road,
V.O.C.Nagar, Park Town,
Chennai – 3.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Chennai – 3.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Mark List published by the 1st respondent in his proceedings No. Nil dated 01.11.2022 insofar as withholding the Marks of the petitioner (Reg No.1001003031) is concerned and quash the same as illegal and consequently to direct the respondents to publish the marks and consider the petitioner for the appointment to the post of Assistant Director of Town and



W.P.(MD)Nos..25219, 25220 and 25256 of 2022

Country Planning on the basis of the Marks secured by the petitioner by allowing to participate in the counseling.

For Petitioner : Mr.Ajmalkhan, Senior Counsel,
For M/s.Ajmal Associates.

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.J.Anand Kumar.

W.P.(MD)No.25220 of 2022:-

G.Satheesh Kumar

... Petitioner

Vs.

1.The Tamil Nadu Public Service Commission,
Rep. by its Secretary, TNPSC Road,
V.O.C.Nagar, Park Town,
Chennai – 3.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Chennai – 3.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Mark List published by the 1st respondent in his proceedings No. Nil dated 01.11.2022 insofar as withholding the Marks of the petitioner (Reg No.1001002029) is concerned and quash the same as illegal and consequently to direct the respondents to publish the marks and consider the petitioner for the appointment to the post of Assistant Director of Town and Country Planning on the basis of the Marks secured by the petitioner by allowing to participate in the counseling.



W.P.(MD)Nos..25219, 25220 and 25256 of 2022

For Petitioner : Mr.Ajmalkhan, Senior Counsel,
For M/s.Ajmal Associates.

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.J.Anand Kumar.

W.P.(MD)No.25219 of 2022:-

A.R.Gokila Vani

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai – 600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai – 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned declaration of the results published by the 2nd respondent through on line dated 01.11.2022 withholding the petitioner's results and quash the same as illegal and unconstitutional and consequently directing the respondents to declare the petitioner's results, based on the marks awarded by the 2nd respondent and consequently include the petitioner's name in the rank list along with secured marks to appointment the petitioner as an Assistant Director of Town and Country Planning in pursuance to the Notification No.04/2022 issued by the 2nd respondent dated 25.02.2022.



W.P(MD)Nos..25219, 25220 and 25256 of 2022

For Petitioner : Mr.K.Govindarajan,
For Mr.S.Poornachandran.

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.J.Anand Kumar.

COMMON ORDER

Heard the learned senior counsel and the learned counsel for the petitioners and the learned Additional Advocate General assisted by the learned standing counsel for the respondents.

2.The writ petitioners herein filed W.P.(MD)Nos.24004, 24265 and 24266 of 2022 questioning their exclusion at the time of oral test. This Court after hearing the learned counsel on either side allowed the said writ petitions. Pursuant to the said orders, the writ petitioners were permitted to take part in the oral test. However, their results have been withheld. The note appended to the selection list reads as under:-

“Note : The publication of the above Consolidated Mark List is purely provisional subject to outcome of W.P.(MD) Nos.24004, 2526, 25266, 24666 of 2022 and W.P. No.28828 & 28916 of



W.P(MD)Nos..25219, 25220 and 25256 of 2022

2022 and other Writ Petitions, if any, pending on the files of the Hon'ble High Court of Judicature at Madras / Madurai Bench of Madras High Court relating to this recruitment.”

3.It is too obvious that when the writ petitions filed by the writ petitioners herein had been finally disposed of, TNPSC has chosen to proceed in the matter as if the writ petitions are still pending. The writ petition filed by one of the candidates, namely W.P.(MD)No.24666 of 2022 alone is pending. The writ petitions filed by the writ petitioners herein had already been disposed of. Therefore, TNPSC has proceeded entirely on wrong premises as far as the petitioners are concerned. TNPSC is, therefore, directed to publish the petitioners' results forthwith and without any delay.

4.The fact that the direction has been given for publishing the results would not mean that the the rights of TNPSC is foreclosed from challenging the earlier orders. TNPSC is always at liberty to do so and the rights of the petitioners would abide by the outcome of the writ appeals. If the petitioners are found to be eligible to take part in the counseling stage on the basis of the marks secured by them, they will be permitted to do so.



WEB COPY



W.P(MD)Nos..25219, 25220 and 25256 of 2022

G.R.SWAMINATHAN, J.

ias

5.These writ petitions are allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

07.11.2022

Index : Yes / No

Internet : Yes/ No

ias

Issue order copy 07.11.2022.

To:

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai – 600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai – 600 003.

W.P(MD)Nos.25219, 25220 and 25256 of 2022