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W.P.No.15120 of 2013

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15120 of 2013

D.Vinoth Kumar

.... Petitioner

Vs

The Secretary,
Tamil Nadu Public Service Commission,
Broadway, Chennai – 600 001.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the entire records in connection with the impugned Letter of the respondent dated 23.8.2011 in Letter No.4108/ RID2/2011 and quash the same and consequently direct the respondent to publish the results of the petitioner and furnish the marks obtained by the petitioner's registration No.00102189 in respect of the written examination for the Motor Vehicle Inspector Grade II 2006-08

For Petitioner : Mr.T.Sriram
for Mr.M.Sriram

For Respondent : Mr.R.Bharanidaran
Standing Counsel



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ORDER

This Writ Petition has been filed challenging the impugned letter dated 23.08.2011 in Letter No.4108/RID2/2011 passed by the respondent, thereby it is informed that he was not possess the workshop experience and as such, his application was rejected. Therefore, the question of evaluation of his answer sheet and furnishing of his marks does not arise.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent and perused the materials available on record.

3. The petitioner applied for the post of Motor Vehicle Inspector Grade-II in pursuant to the Notification of the year 2007. However, his application was rejected and as such the petitioner filed Writ Petition before this Court in W.P.No.25436 of 2007 and the same was dismissed. Aggrieved by the same, the petitioner preferred an appeal in W.A.No.4 of 2008 and the same was allowed. However, the petitioner was not successful in securing the job. Again, the respondent, by the subsequent



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Notification, invited an application for the post of Motor Vehicle Inspector Grade-II. The petitioner submitted his application and also appeared for the written test. However, the result was not published. Therefore, he made an application to seek information under Right to Information Act. The respondent, by a letter dated 23.08.2011, informed that he was not selected, since the application itself was rejected and as such, no evaluation of answer sheet was done. Though the communication was issued by the respondent on 23.08.2011, the petitioner challenged the same by way of this writ petition only in the year 2013 and there is no explanation for the delay. Therefore, the writ petition was filed belatedly and not within the reasonable time.

4. That apart, on perusal of the counter affidavit filed by the respondent revealed that the petitioner's application dated 06.03.2011 under Right to Information Act was treated as grievance petition and the same was forwarded to the respondent office. In the meanwhile, the petitioner also filed an appeal before the Tamil Nadu Information Commission with a direction to furnish the copy of question wise



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information to the individual. Accordingly, the petitioner was informed by the memo dated 25.07.2011. Further, the petitioner did not possess the workshop experience as prescribed in the Notification. On scrutinies, it was found and as such the answer sheet of the petitioner was not subjected for any evaluation, because his application itself was rejected and as such, furnishing of his marks does not arise.

5. Hence, the respondent rightly rejected the application of the petitioner and this Court finds no infirmity or illegality in the impugned letter dated 23.08.2011 in Letter No.4108/RID2/2011. Therefore, the writ petition is lack of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

20.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Lpp

To



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G.K.ILANTHIRAIYAN, J.



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