



W.A.No.590 of 2023 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.Nos.590,550,549,546,545,552,548,594,580,593,581,582,754,586,591,
589,584,592,588,585,587,583,680,679,1419,830,645,767,689,691,2012,766,
748,747,860,1566,1567,1569,2069,1174,1011,1953,1931,1094 & 1783 of
2023

and

C.M.P.Nos.5279,5281,5267,5270,5262,5264,5282,5280,5252,5263,5276,527
5,5775,5773,5754,5747,5743,5790,5789,5749,5751,5777,5778,7281,5755,57
52,5762,5765,5758,5757,5759,5761,5763,5767,5769,5770,5771,5774,5766,5
768,5756,5760,5753,6767,6771,7919,7460,7457,7452,8404,17068,7157,7154
,7153,7158,7169,7177,7173,7176,7164,7167,7171,7175,7187,7189,7193,
7194,7191,7192,7183,7179,7051,7052,7147,7144,7152,7146,7163,7160,
7170,7172,7562,7659,14578,17650,14581,14577,10436,8714,10148,
11112,13864 & 12634 of 2023

AND

W.P.Nos.9641,9430,9433,9768,9785,9788,10478,10630,10685,11245,11248,
10955,10998,11003,11004,11040,12443,11767,16442,16443,13872,13765,
17504,16909,17681,19478 & 20234 of 2023

and

W.M.P.Nos.9694,9504,9508,9509,9510,9852,9854,9855,9863,9868,
10433,10435,10571,10573,10628,10629,11123,11124,11128,11129,10844,
10883,10884,10886,10888,10889,10890,10924,10925,12267,12268,11650,
11652,15815,15816,15817,15818,13524,13443,16639,16640,16129,16131,
16776,18742,18744,18750,19557 & 19558 of 2023



W.A.No.590 of 2023 etc. batch

WA.No.590 of 2023

WEB COPY

P.Satheesh Prabu

... Appellant

Vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.

2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3. The Transport Commissioner,
Chepauk, Chennai - 5.

4. R.Vijayaraj

5. K. Ilavarasan

6. I. Siva Natarajan

7. D.Vimalraj

8. G.Ramkumar

9. K.Chandrasekaran

10. J.Saranyan

11. P.Sureh

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12147 of 2021.

For Appellant : Mr.N.Subramaniyan

For respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3
Mr.R.Govindasamy for R7
Mrs.Dakshiyani Reddy, Senior Counsel
for Mr.P.Srinivas for R8 to R11



W.A.No.590 of 2023 etc. batch

WEB COPY

WA.No.580 of 2023

S.Eswaramoorthy

... Appellant

Vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.

2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Velachery, Chennai - 42.

3. The Transport Commissioner,
Chepauk, Chennai - 5.

4. N.Kubendran

5. K. Ilavarasan

6. I.Siva Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12151 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.581 of 2023

G. Sathesh Raja

... Appellant



W.A.No.590 of 2023 etc. batch

Vs.

WEB COPY

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.
2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.
3. The Transport Commissioner,
Chepauk, Chennai - 5.
4. R.Vijayaraj
5. K. Ilavarasan
6. I.Siva Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12149 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

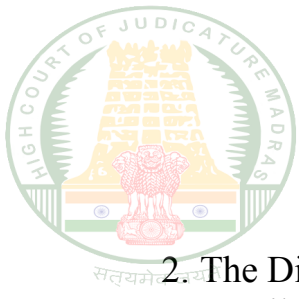
WA.No.582 of 2023

K.Dinesh

... Appellant

Vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.



W.A.No.590 of 2023 etc. batch

2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3. The Transport Commissioner,
Chepauk, Chennai - 5.

4. K.Dharmalingam

5. K. Ilavarasan

6. I.Siva Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12152 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.679 of 2023

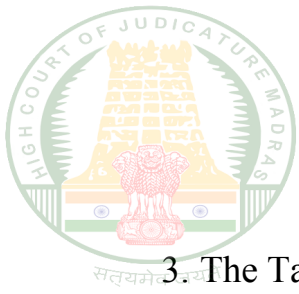
M.Vignesh

... Appellant

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.

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



W.A.No.590 of 2023 etc. batch

3. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.

4. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.13002 of 2021.

For Appellant : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 & R4
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

WA.No.680 of 2023

S.Senthil Kumaran Bose

Vs.

... Appellant

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.
2. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
3. The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,



W.A.No.590 of 2023 etc. batch

Park Town, Chennai - 600 003.

4. The Assistant Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.13570 of 2021.

For Appellant : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 & R4
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

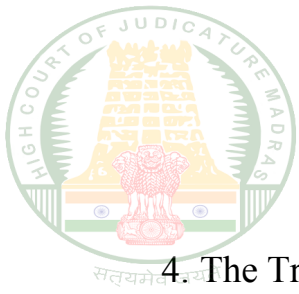
WA.No.1011 of 2023

A.Manjunathan

Vs.

... Appellant

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Saint George Fort, Secretariat,
Chennai - 600 009.
2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
3. The Tamilnadu Public Service Commission,
Rep.by its Secretary,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.



W.A.No.590 of 2023 etc. batch

4. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12026 of 2021.

For Appellant : Mrs.R.Thenmozhi

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 & R4
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

WA.No.1094 of 2023

S.Vijayasharran

Vs.

... Appellant

1. The Transport Commissioner,
Transport Department,
Government of Tamilnadu,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The Tamilnadu Public Service Commission,
Rep.by its Controller of Examination,
TNPSC Road park Town,
V.O.C. Nagar, Chennai - 600 003.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12392 of 2021.

For Appellant : Mr.V.Vijayashankar

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1
Mr.P.Wilson, Senior Counsel



W.A.No.590 of 2023 etc. batch

for Mr.Karthick Rajan for R2

WA.No.1174 of 2023

B.Sasirekha
Appellant

...

Vs.

1. The Tamil Nadu Public Service Commission,
Rep.by its Controller of Examination,
Frazer Bridge Road, V.O.C Nagar,
Park Town, Chennai - 600 003.
2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C Nagar,
Park Town, Chennai - 600 003.
3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.
4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12091 of 2021.

For Appellant : Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4



W.A.No.590 of 2023 etc. batch

WA.No.1419 of 2023

T.R.Manoj
Appellant

...

Vs.

1. The Chairman,
The Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road, V.O.C Nagar,
Chennai - 600 003.
2. The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road, V.O.C Nagar,
Chennai - 600 003.
3. The Controller of Examinations,
The Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
V.O.C Nagar,
Chennai - 600 003.
4. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12527 of 2021.

For Appellant : Mr.V.Balasubramani

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 to R3
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R4



W.A.No.590 of 2023 etc. batch

WEB COPY

WA.No.1566 of 2023

1. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai 600 003.

2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai - 600 003.

... Appellants

Vs.

1. R.Nagaraj

2. The Director,
Motor Vehicles Maintenance Department,
Velacherry, Chennai 600 042.

3. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk, Chennai - 600 005.

4. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Transport Department,
Fort.St.George, Secretariat,
Chennai - 600 009.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.28055 of 2021.

For Appellants : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan

For Respondents : Mrs.M.Malarvizhi Udayakumar for R1
Mr.S.Silambanan, Additional Advocate General



W.A.No.590 of 2023 etc. batch

Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 to R4

WEB COPY

WA.No.1567 of 2023

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

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

... Appellants

Vs.

1. R.Ramesh

2. The Secretary to Government,
Transport Department,
Secretariat, Fort. St. George,
Chennai - 600 009.

3. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12403 of 2021.

For Appellants : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan

For Respondents : Mr.C.Johnson for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3



W.A.No.590 of 2023 etc. batch

WEB COPY

WA.No.1569 of 2023

Tamil Nadu Public Service Commission,
Rep. by its Secretary, Frazer Bridge Road,
Chennai - 600 003.

... Appellant

Vs.

1. S.Selvakumar

2. The Director,
Tamil Nadu Motor Vehicles Maintenance Department,
Transport Commissioner,
Velachery, Chennai 600 042.

3. The Transport Commissioner,
Chepauk, Chennai - 600 005.

4. R.Vijayaraj

5. K.Ilavarasan

6. I.Siva Natrajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12154 of 2021.

For Appellant : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan

For Respondents : Mr.N.Subramanian for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 to R4

WA.No.1783 of 2023

P.Mathivanan

... Appellant



W.A.No.590 of 2023 etc. batch

Vs.

WEB COPY

1. The Tamilnadu Public Service Commission,
Rep. by its Controller of Examinations,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
2. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.
4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12098 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

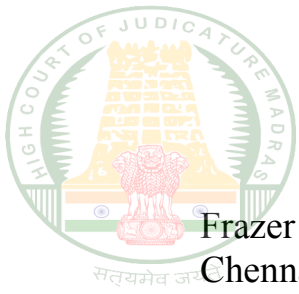
WA.No.1931 of 2023

P.Ramkumar

... Appellant

Vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,



W.A.No.590 of 2023 etc. batch

Frazer Bridge Road,
Chennai - 600 003.

WEB COPY

2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3. The Transport Commissioner,
Chepauk, Chennai - 5

4. R.Vijayaraj

5. K.Ilavarasan

6. I.Siva Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12150 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.1953 of 2023

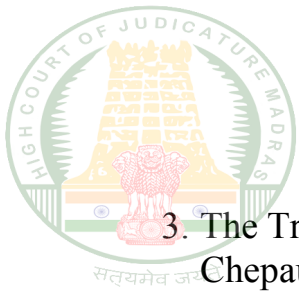
M.Yuvaraj

... Appellant

Vs.

1. The Secretary,
The Tamilnadu Public Service Commission,
Frazer Bridge Road, Chennai - 600 003.

2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.



W.A.No.590 of 2023 etc. batch

3. The Transport Commissioner,
Chepauk, Chennai - 5.

4. K.Dharmalingam

5. I.Siva Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.13366 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.2012 of 2023

N.Venkatraman

... Appellant

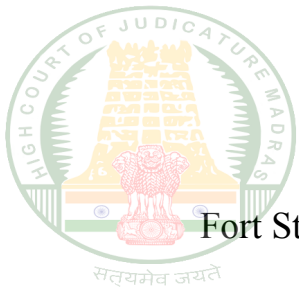
Vs.

1. The Secretary,
The Tamilnadu Public Service Commission,
TNPSC Road, Park Town,
V.O.C Nagar, Chennai - 600 003.

2. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

3. Director,
Tamil Nadu Motor Vehicle Department,
Government Central Workshop Compound,
Velacherry, Chennai - 600 042.

4. State of Tamil Nadu,
Rep. by Secretary to Government,
Transport Department, Secretariat,



W.A.No.590 of 2023 etc. batch

Fort St. George, Chennai - 600 009.

... Respondents

WEB COPY

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.11656 of 2021.

For Appellant : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 to R4

WA.No.2069 of 2023

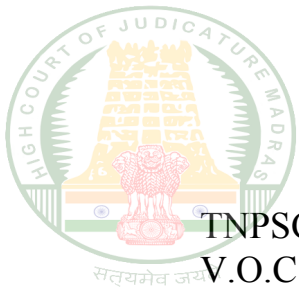
P.Jegatheeswaran Vs. ... Appellant

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

2. The Secretary to Government,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

4. The Controller of Examination,
Tamil Nadu Public Service Commission,



W.A.No.590 of 2023 etc. batch

TNPSC Road, Park Town,
V.O.C. Nagar, Chennai - 600 003.

WEB COPY

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12411 of 2021.

For Appellant : Mr.C.Johnson

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R4
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.546 of 2023

1. D.Vanji Kumar
2. S.Omprakash
3. J.Simeon Ruban
4. D.Gautham
5. R.Manoh Prabahar

... Appellants

Vs.

1. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
3. Tamil Nadu Public Service Commission,
Rep.by the Secretary, TNPSC Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

... Respondents



W.A.No.590 of 2023 etc. batch

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12041 of 2021.

WEB COPY

For Appellants : Mrs.Nalini Chidambaram, Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

WA.No.548 of 2023

1. S.Vasantharaja
2. A.Mohamed Sameem ... Appellants
Vs.

1. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

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

3. Tamil Nadu Public Service Commission,
Rep.by the Secretary, TNPSC Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003. ... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12375 of 2021.

For Appellants : Mrs.Nalini Chidambaram, Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,



WEB COPY



W.A.No.590 of 2023 etc. batch

Additional Government Pleader for R1
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

WA.No.549 of 2023

1. R.Rajakumar
2. M.Chandrasekar

... Appellants

Vs.

1. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

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

3. Tamil Nadu Public Service Commission,
Rep.by the Secretary, TNPSC Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

... Respondents

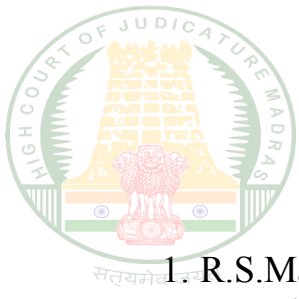
Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12118 of 2021.

For Appellants : Mrs.Nalini Chidambaram, Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

WA.No.550 of 2023

<https://www.mhc.tn.gov.in/judis>



W.A.No.590 of 2023 etc. batch

1. R.S.Mahesh
2. B.Hariharan
3. R.Manikandan
4. C.Arunkumar
5. P.Sugadev
6. C.Vinothkumar
7. M.Georgeregan
8. P.Balu

... Appellants

Vs.

1. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
2. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
3. Tamil Nadu Public Service Commission,
Rep.by the Secretary, TNPSC Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.
4. S.D.Mathivanan
5. P.Ramkumar
6. G.Andrews

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.11821 of 2021.

For Appellants : Mrs.Nalini Chidambaram, Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1
Mr.P.Wilson, Senior Counsel



W.A.No.590 of 2023 etc. batch

for Mr.Karthick Rajan for R2 & R3

R4, R5 and R6 : No appearance

WA.No.552 of 2023

M.Balaji

... Appellant

Vs.

1. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 003.

4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12096 of 2021.

For Appellant : Mrs.Nalini Chidambaram, Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4



W.A.No.590 of 2023 etc. batch

WEB COPY

WA.No.583 of 2023

P.Haripriya

... Appellant

Vs.

1. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Park Town, Chennai - 600 003.
3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.
4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

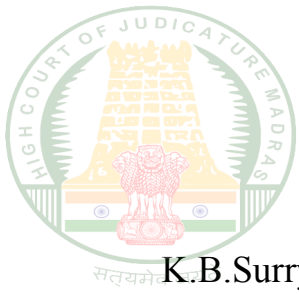
Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12115 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

WA.No.584 of 2023

<https://www.mhc.tn.gov.in/judis>



W.A.No.590 of 2023 etc. batch

K.B.Surrya

... Appellant

Vs.

1. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
T.N.P.S.C. Road, V.O.C. Nagar,
Chennai - 600 003.
2. The Controller of Examinations,
The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
T.N.P.S.C. Road, V.O.C. Nagar,
Chennai - 600 003.
3. Government of Tamilnadu,
Represented by Principle Secretary to Government,
Transport Secretariat,
Chennai - 600 009.
4. The Additional Chief Secretary,
Transport Commissioner,
Chepauk, Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 10.02.2023 passed in W.P.No.12358 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

WA.No.585 of 2023

A.V.Yogesh

... Appellant



W.A.No.590 of 2023 etc. batch

Vs.

WEB COPY

1. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Frazer Bridge Road,
Park Town, Chennai - 600 003.
2. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Park Town, Chennai - 600 003.
3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.
4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 10.02.2023 passed in W.P.No.12116 of 2021.

For Appellant	: Mr.N.Subramaniyan
For Respondents	: Mr.P.Wilson, Senior Counsel for Mr.Karthick Rajan for R1 & R2 Mr.S.Silambanan, Additional Advocate General Assisted by Mr.L.S.M.Hassan Fazil, Additional Government Pleader for R3 & R4

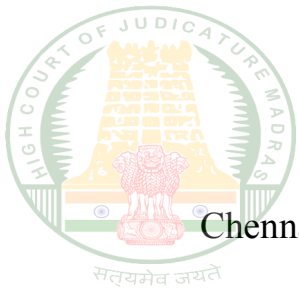
WA.No.586 of 2023

M.Divya

... Appellant

Vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,



W.A.No.590 of 2023 etc. batch

Chennai - 600 003.

WEB COPY

2. The Transport Commissioner,
Chepauk, Chennai - 5.

3. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.13500 of 2021.

For Appellant : Mr.N.Subramaniyan
For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.587 of 2023

P.Jayamuragan

... Appellant

Vs.

1. The State of Tamilnadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St. George, Chennai - 600 009.

2. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.

3. The Director,
Tamilnadu Motor Vehicle Maintenance Department,



W.A.No.590 of 2023 etc. batch

Velachery, Chennai - 42.

WEB COPY

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

5. The Controller of Examination,
The Tamil Nadu Public Service Commission,
TNPSC Road, Fraser Bridge Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.11664 of 2021.

For Appellant : Mr.N.Subramaniyan
For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 to R3
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R4 & R5

WA.No.588 of 2023

R.Selvam

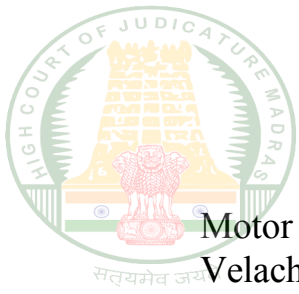
... Appellant

Vs.

1. The State of Tamilnadu,
Rep. by its Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.

2. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.

3. The Director,



W.A.No.590 of 2023 etc. batch

Motor Vehicle Maintenance Department,
Velachery, Chennai - 42.

WEB COPY

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

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.11717 of 2021.

For Appellant : Mr.N.Subramaniyan
For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 to R3
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R4

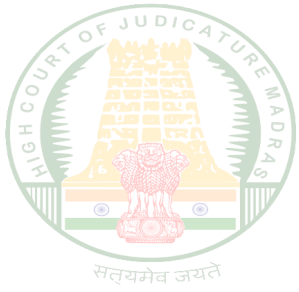
WA.No.589 of 2023

K.V.Jaya Prasad

... Appellant

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Controller of Examination,
Fraser Bridge Road, Park Town,
Chennai - 600 003.
2. The Tamil Nadu Public Service Commission,
Rep. by its Secretary, Fraser Bridge Road,
Park Town, Chennai - 600 003.
3. The Secretary to Government,
Home (Transport) Department,
Fort St.Groge, Chennai - 600 009.
4. The Commissioner of Transport,
Ezhilagam, Chepauk, Chennai - 600 005.



W.A.No.590 of 2023 etc. batch

... Respondents

WEB COPY

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12114 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

WA.No.591 of 2023

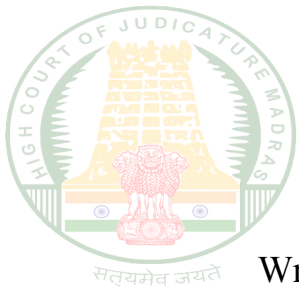
M.Venugopal

... Appellant

Vs.

1. The Secretary,
The Tamil Nadu Public Service Commission,
Park Town Road, V.O.C.Nagar,
Chennai - 600 003.
2. The Controller of Examination,
The Tamil Nadu Public Service Commission,
Park Town Road, V.O.C. Nagar,
Chennai - 600 003.
3. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.
4. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

... Respondents



W.A.No.590 of 2023 etc. batch

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.14262 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.592 of 2023

M. Pooventhan

... Appellant

Vs.

1. The Secretary,
The Tamil Nadu Public Service Commission,
Park Town Road, V.O.C.Nagar,
Chennai - 600 003.
2. The Controller of Examination,
The Tamil Nadu Public Service Commission,
Park Town Road, V.O.C. Nagar,
Chennai - 600 003.
3. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.
4. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 10.02.2023 passed in W.P.No.14245 of 2021.



W.A.No.590 of 2023 etc. batch

WEB COPY

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

WA.No.593 of 2023

T.Saravanabava

... Appellant

Vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, Chennai - 600 003.

2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3. The Transport Commissioner,
Chepauk, Chennai - 5.

4. K.Dharmalingam

5. K.Ilavarasan

6. I. Siva Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.31899 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,



W.A.No.590 of 2023 etc. batch

Additional Government Pleader for R2 & R3

WEB COPY

WA.No.594 of 2023

M.Periasamy

... Appellant

Vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, Chennai - 600 003.
2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Velachery, Chennai - 42.
3. The Transport Commissioner,
Chepauk, Chennai - 5.
4. M. Jeyakrishna
5. K. Ilavarasan
6. I. Siva Natarajan

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12153 of 2021.

For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 & R3

WA.No.645 of 2023

N.Kumaresan

... Appellant



W.A.No.590 of 2023 etc. batch

Vs.

WEB COPY

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Transport Department, Fort st. George,
Secretariat, Chennai - 600 009.
2. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.
3. The Director,
Motor Vehicle Maintenance Department,
Velachery, Chennai - 42.
4. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
5. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12130 of 2021.

For Appellant : Mr.L.Chandrakumar

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1, R2 & R3
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R4 & R5

WA.No.689 of 2023



R.Ashok



W.A.No.590 of 2023 etc. batch

... Appellant

WEB COPY

Vs.

1. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.
4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 10.02.2023 passed in W.P.No.12107 of 2021.

For Appellant : Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

WA.No.691 of 2023

M.K.Arul Prasad

... Appellant

Vs.



W.A.No.590 of 2023 etc. batch

WEB COPY

1. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.
4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12095 of 2021.

For Appellant	: Mr.K.Venkataramani, Senior Counsel for Mr.M.Muthappan
For Respondents	: Mr.P.Wilson, Senior Counsel for Mr.Karthick Rajan for R1 & R2 Mr.S.Silambanan, Additional Advocate General Assisted by Mr.L.S.M.Hassan Fazil, Additional Government Pleader for R3 & R4

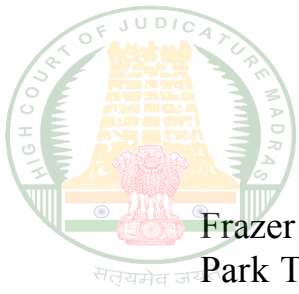
WA.No.747 of 2023

P.Ramesh Babu

... Appellant

Vs.

1. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,



W.A.No.590 of 2023 etc. batch

Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

WEB COPY

2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.

4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12097 of 2021.

For Appellant	: Mr.P.Puhazh Gandhi
For Respondents	: Mr.P.Wilson, Senior Counsel for Mr.Karthick Rajan for R1 & R2 Mr.S.Silambanan, Additional Advocate General Assisted by Mr.L.S.M.Hassan Fazil, Additional Government Pleader for R3 & R4

WA.No.748 of 2023

K.Venkatesan

... Appellant

Vs.

1. Tamil Nadu Public Service Commission,
Rep. by its Controller of Examinations,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

2. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, V.O.C. Nagar,



W.A.No.590 of 2023 etc. batch

Park Town, Chennai - 600 003.

WEB COPY

3. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.

4. The Commissioner of Transport,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12090 of 2021.

For Appellant : Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan
For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

WA.No.754 of 2023

S.Dhanapal

... Appellant

Vs.

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.

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

3. The Secretary,
Tamil Nadu Public Service Commission,



W.A.No.590 of 2023 etc. batch

TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

WEB COPY

4. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk, Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12639 of 2021.

For Appellant : Mr.N.Umapathi
For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 & R4
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

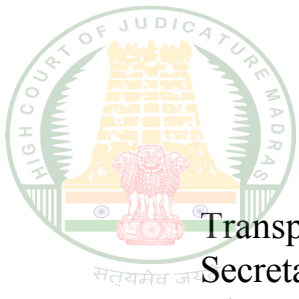
WA.No.766 of 2023

N.Vaithi

... Appellant

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
V.O.C.Nagar, Chennai - 600 003.
2. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk, Chennai - 600 005.
3. Director,
Tamil Nadu Motor Vehicle Department,
Government Central Workshop Compound,
Velacherry, Chennai - 600 042.
4. State of Tamil Nadu,
Rep.by Secretary to Government,



W.A.No.590 of 2023 etc. batch

Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.11657 of 2021.

For Appellant : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1
Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R2 to R4

WA.No.767 of 2023

R.Viswanathan

... Appellant

Vs.

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.
2. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
3. Tamil Nadu Public Service Commission,
Rep. by the Secretary,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
4. The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk, Chennai - 600 005.

... Respondents



W.A.No.590 of 2023 etc. batch

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12335 of 2021.

For Appellant : Mrs.Nalini Chidambaram, Senior Counsel
for Mrs.C.Uma
For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 & R4
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

WA.No.830 of 2023

M.Mohammed Adhil

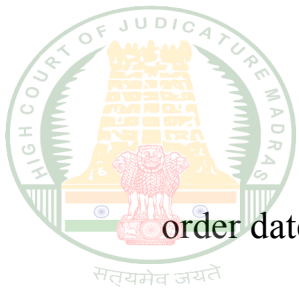
... Appellant

Vs.

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.
2. Tamil Nadu Public Service Commission,
Rep. by the Secretary,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
3. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
4. The Assistant Commissioner,
Transport Department,
Ezhilagam, Chepauk, Chennai - 600 005.
5. S. Lakshmanan
6. R. Venkatagiri

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the



W.A.No.590 of 2023 etc. batch

order dated 10.02.2023 passed in W.P.No.11848 of 2021.

WEB COPY

For Appellant : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1 & R4
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3

WA.No.860 of 2023

S.Venkatesh

Vs.

... Appellant

1. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frozer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

2. Controller of Examination,
Tamil Nadu Public Service Commission,
Frozer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

3. The Secretary to Government,
Home (TR-II) Department,
Secretariat, Chennai - 600 009.

4. The Transport Commissioner,
Chepauk, Chennai - 600 005.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.11832 of 2021.

For Appellant : Mr.M.Ravi
For Respondents : Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R1 & R2



WEB COPY



W.A.No.590 of 2023 etc. batch

Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R3 & R4

WA.No.545 of 2023

1. S.Karthik Madhan
2. P.Radhakrishnan
3. C.Vignesh

... Appellants

Vs.

1. The Transport Commissioner,
Transport Department,
Ezilagam, Chepauk,
Chennai - 600 005.
2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
3. Tamil Nadu Public Service Commission,
Rep. by the Secretary,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.02.2023 passed in W.P.No.12391 of 2021.

For Appellants : Mrs.Nalini Chidambaram, Senior Counsel
for Mrs.C.Uma

For Respondents : Mr.S.Silambanan, Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil,
Additional Government Pleader for R1
Mr.P.Wilson, Senior Counsel
for Mr.Karthick Rajan for R2 & R3



W.A.No.590 of 2023 etc. batch

* * * * *

WEB COPY

W.P.No.9641 of 2023

M.Mohanraj

... Petitioner

Vs.

1.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 17.03.2023 comprising the list of register number of candidates who have been provisionally admitted to the oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 and quash the same in so far as the register number of the petitioner being 010001284 has not been included in the list dated 17.03.2023 and consequently direct the respondents to call the petitioner for oral test for the post of Motor Vehicle Inspector Grade-II pursuant to Notification No.03/2018, dated 14.02.2018 issued by the first respondent to be held on 30.03.2023 and 31.03.2023 or any other subsequent date.



WEB COPY



W.A.No.590 of 2023 etc. batch

For Petitioner

: Mrs.Nalini Chidambaram

Senior Counsel

For M/s.C.Uma

For Respondents

: Mr.P.Wilson,

Senior Counsel

For Mr.Karthich Rajan for TNPSC
for R1 and R2

W.P.No.9430 of 2023

S.Anand

... Petitioner

Vs.

1.The State of Tamil Nadu Rep. by its Secretary,
Transport Department,
Fort St. George, Chennai - 9.

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chennai - 5.

3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai - 3.

4.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, Chennai - 3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to Registration No.020001401 in Annexure to the List-OT (Revised)-Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Services,



W.A.No.590 of 2023 etc. batch

2013-2018 by the third respondent dated 17.03.2023, to quash the same in so far as the petitioner is concerned, and to consequently direct the respondents to select and appoint the petitioner as Motor Vehicle Inspector Grade-II.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1 and R2

Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R3 and R4

W.P.No.9433 of 2023

M.Srinivasan

... Petitioner

Vs.

1.The State of Tamil Nadu Rep. by its Secretary,
Transport Department,
Fort St. George, Chennai - 9.

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chennai - 5.

3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai - 3.

4.Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, Chennai - 3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking



W.A.No.590 of 2023 etc. batch

to issue a Writ of Certiorarified Mandamus to call for the records relating to Registration No.020002205 in Annexure to the List-OT (Revised)-Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Services, 2013-2018 by the third respondent dated 17.03.2023, to quash the same in so far as the petitioner is concerned, and to consequently direct the respondents to select and appoint the petitioner as Motor Vehicle Inspector Grade-II.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1 and R2

Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R3 and R4

W.P.No.9768 of 2023

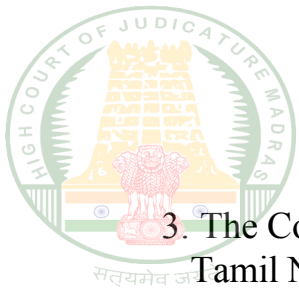
P.Sivakumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Transport Department,
Secretariat,
For St. George,
Chennai -600 009.

2.The Transport Commissioner,
Transport Department,
Ezhilagam,
Chepauk, Chennai - 600 005.



W.A.No.590 of 2023 etc. batch

3. The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the Motor Vehicle Inspector, Grade-II Tamil Nadu Transport Subordinate Service, 2013-2018 List-OT (Revised) dated 17.03.2023 in so far as relating to non selection of the petitioner in his register number 020002011 and to quash the same and consequently direct the respondents to permit the petitioner to attend the oral test to be held on 30.03.2023 and 31.03.2023 for the post of Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service 2013-2018 in pursuance of the Notification No.03/2018, dated 14.02.2018 issued by the third respondent along with other eligible candidate to consider the appointment of the petitioner on merits.

For Petitioner : M/s.Kanimozhi Mathi

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1 and R2

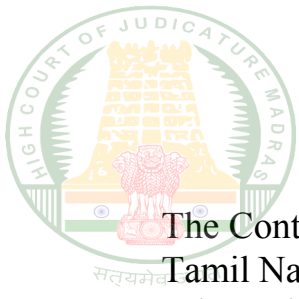
Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R3

W.P.No.9785 of 2023

A.Venkateswaran

... Petitioner

Vs.



W.A.No.590 of 2023 etc. batch

The Controller of Examinations,
Tamil Nadu Public Service Commission,
Chennai - 600 003.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the respondent to include the name of the petitioner in the Notification dated 17.03.2023 published by the respondent as has been included in the earlier Notification dated 28.04.2021.

For Petitioner	: Mr.K.M.Ramesh For Mr.A.Ganesan
For Respondent	: Mr.P.Wilson, Senior Counsel For Mr.Karthich Rajan for TNPSC

W.P.No.9788 of 2023

M.Gopi ... Petitioner

Vs.

The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the respondent to include the name of the petitioner in the Notification dated 17.03.2023 published by the respondent as has been included in the earlier Notification dated 28.04.2021.

For Petitioner	: Mr.K.M.Ramesh For Mr.A.Ganesan
----------------	-------------------------------------



W.A.No.590 of 2023 etc. batch

WEB COPY

For Respondent

: Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC

W.P.No.10478 of 2023

S.Vishnu Prakash

... Petitioner

Vs.

1.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

2.Tamil Nadu Public Service Commission,
Represented by Secretary,
Frazer Bridge Road,
Chennai - 600 003.

3.The Secretary to Government,
Home Transport Department,
F.S.G.Chennai - 9.

4.The Commissioner of Transport,
Chepauk,
Chennai - 5.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Declaration or any other appropriate writ or order or direction in the nature of a writ, declaring that the non-selection of the petitioner to the post of Motor Vehicle Inspector Grade II in the Tamil Nadu Transport Subordinate Service, 2013-2018, on the ground of rejection of his online application for various reasons and the consequential non-inclusion of his name (Registration No.020001293) in the provisional selection list published by the



W.A.No.590 of 2023 etc. batch

1st respondent in the website dated 17.03.2023 in the Tamil Nadu Transport Subordinate Service for the year 2013-2018 conducted by the Tamil Nadu Public Service Commission in pursuance of Notification on 03/2018 dated 14.02.2018, as null and void and direct the respondents to consider the marks secured by the petitioner and also based on his earlier provisional selection through a selection list published dated 28.04.2021 as valid, consequently select and provisionally admit him in the oral test commencing from 30.03.2023 onwards for appointment as Motor Vehicle Inspector Grade II in Tamil Nadu Transport Subordinate Department for the year 2013-2018 and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
For Mr.M.Muthappan

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R2

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3 and R4

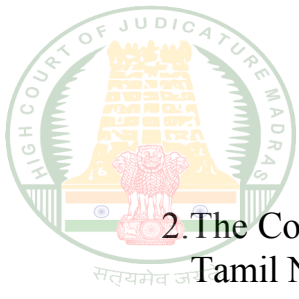
W.P.No.10630 of 2023

J.Manikandan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.



W.A.No.590 of 2023 etc. batch

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

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

4.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent comprising the list of candidates who have been admitted provisionally to oral test hosted in the third respondent's website "www.tnpsc.gov.in" dated 17.03.2023 issued by the second respondent and quash the same and consequently direct the third respondent to announce in the third respondent's website the tentative list of eligible candidates for certificate verification and oral test based on the marks obtained by the candidates in the written examination as per Clause 10 of the Notification No.03/2018, dated 14.02.2018 issued by the third respondent dealing with the selection procedure based on which the candidates may be provisionally admitted to certificate verification / oral test and consequently direct the third respondent to consider the petitioner vide registration Nos.010001121 for selection for direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 pursuant to Notification No.03/2018 issued by the third respondent.



WEB COPY



W.A.No.590 of 2023 etc. batch

For Petitioner

: Mr.N.Umapathi

For Respondents

: Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R2 and R3

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1 and R4

W.P.No.10685 of 2023

P.Dhinesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.

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

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

4.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents



W.A.No.590 of 2023 etc. batch

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent comprising the list of candidates who have been admitted provisionally to oral test hosted in the third respondent's website "www.tnpsc.gov.in" dated 17.03.2023 issued by the second respondent and quash the same and consequently direct the third respondent to announce in the third respondent's website the tentative list of eligible candidates for certificate verification and oral test based on the marks obtained by the candidates in the written examination as per Clause 10 of the Notification No.03/2018, dated 14.02.2018 issued by the third respondent dealing with the selection procedure based on which the candidates may be provisionally admitted to certificate verification / oral test and consequently direct the third respondent to consider the petitioner vide registration Nos.010002199 for selection for direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 pursuant to Notification No.03/2018 issued by the third respondent.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.P.Wilson,
Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R2 and R3

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1 and R4



W.A.No.590 of 2023 etc. batch

W.P.Nos.11245 of 2023

M.Rajaram

... Petitioner

Vs.

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

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

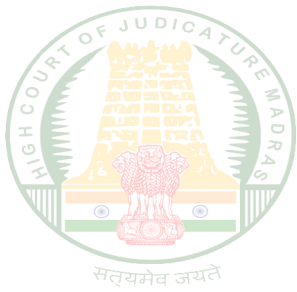
3.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the selection list published by the second respondent in respect of Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 List-OT (Revised), dated 17.03.2023 and quash the same in so far as non-inclusion of the petitioner's registration No.010001186 and consequently direct the respondents to call the petitioner for oral rest for appointment to the post of Motor Vehicle Inspector, Grade-II.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.P.Wilson, Senior Counsel



WEB COPY



W.A.No.590 of 2023 etc. batch

For Mr.Karthich Rajan for TNPSC
for R1 and R2

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3

W.P.Nos.11248 of 2023

S.Mohanavelu

... Petitioner

Vs.

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

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

3.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the selection list published by the second respondent in respect of Motor



W.A.No.590 of 2023 etc. batch

Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 List-OT (Revised), dated 17.03.2023 and quash the same in so far as non-inclusion of the petitioner's registration No.010001005 and consequently direct the respondents to call the petitioner for oral rest for appointment to the post of Motor Vehicle Inspector, Grade-II.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R2

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3

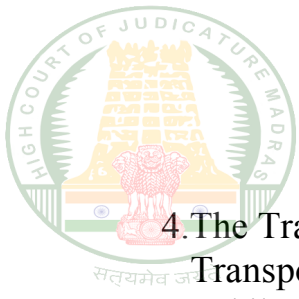
W.P.No.10955 of 2023

Vijayakumar K.R.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.
- 2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.



W.A.No.590 of 2023 etc. batch

4.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to call upon the petitioner for oral test (interview) for appointment by direct recruitment to the post of Motor Vehicles Inspector Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 base don the result of the written examination conducted by the third respondent on 10.06.2018.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R2 and R3

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1 and R4

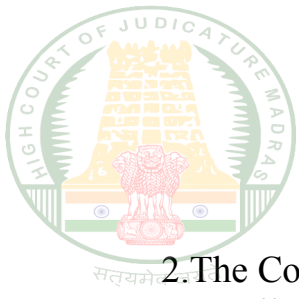
W.P.No.10998 of 2023

V.Shanmugam

... Petitioner

Vs.

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



W.A.No.590 of 2023 etc. batch

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

3.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the selection list published by the second respondent in respect of Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 List-OT (Revised), dated 17.03.2023 and quash the same in so far as non-inclusion of the petitioner's registration No.020001288 and consequently direct the respondents to call the petitioner for oral rest for appointment to the post of Motor Vehicle Inspector, Grade-II.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R2

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3

W.P.No.11003 of 2023



W.A.No.590 of 2023 etc. batch

S.Gowtham Karthick

... Petitioner

WEB COPY

Vs.

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

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

3.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the selection list published by the second respondent in respect of Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 List-OT (Revised), dated 17.03.2023 and quash the same in so far as non-inclusion of the petitioner's registration No.020002049 and consequently direct the respondents to call the petitioner for oral rest for appointment to the post of Motor Vehicle Inspector, Grade-II.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthick Rajan for TNPSC
for R1 and R2



WEB COPY



W.A.No.590 of 2023 etc. batch

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3

W.P.No.11004 of 2023

K.Saravana Kumar

... Petitioner

Vs.

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

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

3.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the selection list published by the second respondent in respect of Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 List-OT (Revised), dated 17.03.2023 and quash the same in so far as non-inclusion of the petitioner's registration No.020001266 and consequently



W.A.No.590 of 2023 etc. batch

direct the respondents to call the petitioner for oral rest for appointment to the post of Motor Vehicle Inspector, Grade-II.

WEB COPY

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R2

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3

W.P.No.11040 of 2023

G.Sundarapandian

... Petitioner

Vs.

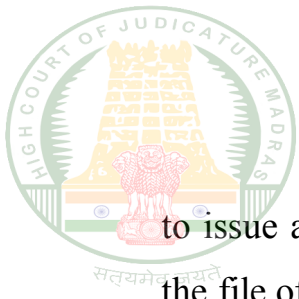
1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.

2.The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3.K.Ilavarasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking



W.A.No.590 of 2023 etc. batch

to issue a Writ of Certiorarified Mandamus to call for the records available on the file of the first respondent relating to the publication of the impugned order, namely, Revised List of candidates titled as, "List OT (Revised)" dated 17.03.2023 for admission to oral test held on 30th and 31st of March 2023 published by the first respondent in its website for oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service and quash the same and consequently direct the first respondent to publish forthwith the marks of the candidates who wrote written examination along with the complete details of the each selectee, viz., the name and address, date of birth, sex, community, subject wise marks scored in the written examination etc., and thereafter to publish the list of candidates based on the marks they scored in the written examination for certificate verification issued by the first respondent and consider the petitioner to include in the said list if found having adequate marks and thereafter to conduct oral test.

For Petitioner : Mr.N.Subramaniyan

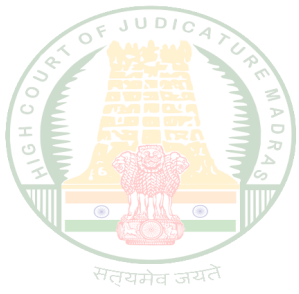
For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2

W.P.No.12443 of 2023

P.Narendhran

... Petitioner



W.A.No.590 of 2023 etc. batch

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.
2. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3.K.Ilavarasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records available on the file of the first respondent relating to the publication of the impugned order, namely, Revised List of candidates titled as, "List OT (Revised)" dated 17.03.2023 for admission to oral test held on 30th and 31st of March 2023 published by the first respondent in its website for oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service and quash the same and consequently direct the first respondent to publish forthwith the marks of the candidates who wrote written examination along with the complete details of the each selectee, viz., the name and address, date of birth, sex, community, subject wise marks scored in the written examination etc., and thereafter to publish the list of candidates based on the marks they scored in the written examination for certificate verification, community wise and consider the petitioner to be included in the said list if found having adequate marks and thereafter to conduct oral test.



WEB COPY



W.A.No.590 of 2023 etc. batch

For Petitioner

: Mr.N.Subramaniyan

For Respondents

: Mr.P.Wilson,

Senior Counsel

For Mr.Karthich Rajan for TNPSC
for R1

Mr.S.Silambanan,

Additional Advocate General

Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2

W.P.No.11767 of 2023

N.Balanarasimman

... Petitioner

Vs.

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

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

3.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking
to issue a Writ of Certiorarified Mandamus to call for the entire records relating



W.A.No.590 of 2023 etc. batch

to the selection list published by the second respondent in respect of Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 List-OT (Revised), dated 17.03.2023 and quash the same in so far as non-inclusion of the petitioner's registration No.020002168 and consequently direct the respondents to call the petitioner for oral rest for appointment to the post of Motor Vehicle Inspector, Grade-II.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.P.Wilson,
Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R2

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3

W.P.No.16442 of 2023

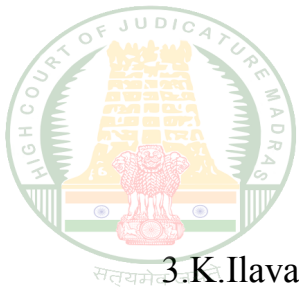
R.R.Kannan

... Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.

2.The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Velachery, Chennai - 42.



W.A.No.590 of 2023 etc. batch

3.K.Ilavarasan

... Respondents

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records available on the files of the first respondent relating to the publication of the impugned order, namely, Revised List of candidates titled as, "List OT (Revised)" dated 17.03.2023 for admission to oral test held on 30th and 31st of March 2023 published by the first respondent in its website for oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service and quash the same and consequently direct the first respondent to publish forthwith the marks of the candidates who wrote written examination along with the complete details of the each selectee, viz., the name and address, date of birth, sex, community, subject wise marks scored in the written examination etc., and thereafter to publish the list of candidates based on the marks they scored in the written examination for certificate verification, community wise and consider the petitioner to be included in the said list if found having adequate marks and thereafter to conduct oral test.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2



W.A.No.590 of 2023 etc. batch

W.P.No.16443 of 2023

B.Arun Kumar

... Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.

2.The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Velachery, Chennai - 42.

3.K.Ilavarasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records available on the file of the first respondent relating to the publication of the impugned order, namely, Revised List of candidates titled as, "List OT (Revised)" dated 17.03.2023 for admission to oral test held on 30th and 31st of March 2023 published by the first respondent in its website for oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service and quash the same and consequently direct the first respondent to publish forthwith the marks of the candidates who wrote written examination along with the complete details of the each selectee, viz., the name and address, date of birth, sex, community, subject wise marks scored in the written examination etc., and thereafter to publish the list of



W.A.No.590 of 2023 etc. batch

candidates based on the marks they scored in the written examination for certificate verification, community wise and consider the petitioner to be included in the said list if found having adequate marks and thereafter to conduct oral test.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson,
Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2

W.P.No.13872 of 2023

B.Pranesh ... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department, Fort St. George,
Chennai - 600 009.

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

3.Tamil Nadu Public Service Commission,
Rep. by the Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.

... Respondents



W.A.No.590 of 2023 etc. batch

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the second and third respondents to include the petitioner for further process of recruitment to the post of Motor Vehicle Inspector Grade II initiated by the 2nd respondent by Notification No.03/2018, dated 14.02.2018.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1

Mr.P.Wilson,
Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R2 and R3

W.P.No.13765 of 2023

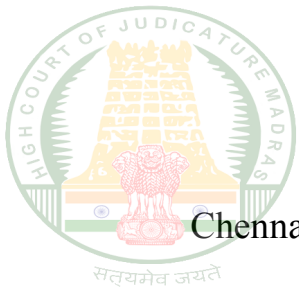
A.Wasim Ahamed

... Petitioner

Vs.

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

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,



W.A.No.590 of 2023 etc. batch

Chennai -600 005.

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

4.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam - 612 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent for inclusion of the petitioner's name in the revised list to be prepared by the first respondent as directed by this court in W.P.No.12776 of 2022 and other wit petition dated 10.02.2023, taking note of the work experience gained by the petitioner in the State Transport Undertaking based on the information provided by the TNPSC (Kumbakonam) Ltd., fourth respondent dated 12.02.2020, for the post of MV Inspector Grade II.

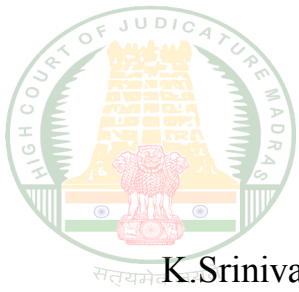
For Petitioner : Mr.P.Paramasivadosh

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R3

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2 and R4

W.P.No.17504 of 2023

<https://www.mhc.tn.gov.in/judis>



W.A.No.590 of 2023 etc. batch

K.Srinivasan

... Petitioner

WEB COPY

Vs.

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

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

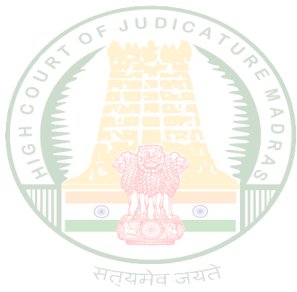
3.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the selection list published by the second respondent in respect of Motor Vehicle Inspector, Grade-II, in the Tamil Nadu Transport Subordinate Service, 2013-2018 List OT (Revised) dated 17.03.2023 and quash the same in so far as non-inclusion of the petitioner's registration No.010002177 and consequently direct the respondents to call the petitioner for oral test for appointment to the post of Motor Vehicle Inspector, Grade-II.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R2



WEB COPY



W.A.No.590 of 2023 etc. batch

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R3

W.P.No.16909 of 2023

N.Aravindan

... Petitioner

Vs.

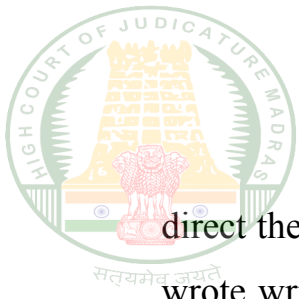
1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.

2.The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3.K.Ilavarasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records available on the file of the first respondent relating to the publication of the impugned order, namely, Revised List of candidates titled as, "List OT (Revised)" dated 17.03.2023 for admission to oral test held on 30th and 31st of March 2023 published by the first respondent in its website for oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service and quash the same and consequently



W.A.No.590 of 2023 etc. batch

direct the first respondent to publish forthwith the marks of the candidates who wrote written examination along with the complete details of the each selectee, viz., the name and address, date of birth, sex, community, subject wise marks scored in the written examination etc., and thereafter to publish the list of candidates based on the marks they scored in the written examination for certificate verification, community wise and consider the petitioner to be included in the said list if found having adequate marks and thereafter to conduct oral test.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson,
Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2

W.P.No.17681 of 2023

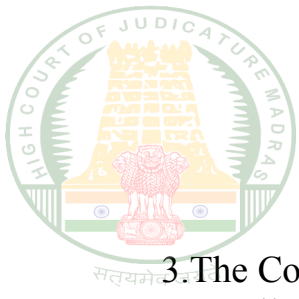
Jeganarayanan

... Petitioner

Vs.

1.The State of Tamil Nadu ,
Rep. by its Secretary,
Transport Department,
Fort St . George, Chennai - 9.

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chennai - 5.



W.A.No.590 of 2023 etc. batch

3. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai - 3.

4. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, Chennai - 3.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to Registration No.100001159 in Annexure to the List-OT (Revised)-Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Services, 2013-2018 by the third respondent dated 17.03.2023, to quash the same in so far as the petitioner is concerned, and to consequently direct the respondents to select and appoint the petitioner as Motor Vehicle Inspector Grade-II.

For Petitioner : Mr.M.Ramamoorthi
For Mr.M.Dinesh

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R1 and R2

Mr.P.Wilson,
Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R3 and R4

W.P.Nos.19478 of 2023

J.Rathanasabapathy

... Petitioner



W.A.No.590 of 2023 etc. batch

Vs.

WEB COPY

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

2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

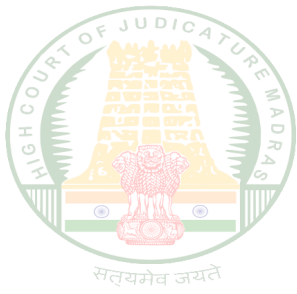
3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Park Town Road,
V.O.C.Nagar, Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to List-OT (Revised) dated 17.03.2023 issued by the first respondent in so far as omitting to include the petitioner and consequentially to direct the respondents to permit the petitioner to participate in the selection process for the post of Motor Vehicle Inspector, Grade-II and to appoint the petitioner to the post of Motor Vehicle Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service with all consequential benefits.

For Petitioner : Mrs.Y.Kavitha
For P.V.S.Giridhar Associates

For Respondents : Mr.P.Wilson,



WEB COPY



W.A.No.590 of 2023 etc. batch

Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1 and R3

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2

W.P.No.20234 of 2023

C.Pannerselvam

... Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 600 003.

2.The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.

3.K.Ilavarasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records available on the file of the first respondent relating to the publication of the impugned order, namely, Revised List of candidates titled as, "List OT (Revised)" dated 17.03.2023 for admission to oral test held on 30th and 31st of March 2023 published by the first respondent in its website for oral test for appointment by



W.A.No.590 of 2023 etc. batch

direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service and quash the same and consequently direct the first respondent to publish forthwith the marks of the candidates who wrote written examination along with the complete details of the each selectee, viz., the name and address, date of birth, sex, community, subject wise marks scored in the written examination etc., and thereafter to publish the list of candidates based on the marks they scored in the written examination for certificate verification, community wise and consider the petitioner to be included in the said list if found having adequate marks and thereafter to conduct oral test.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.P.Wilson, Senior Counsel
For Mr.Karthich Rajan for TNPSC
for R1

Mr.S.Silambanan,
Additional Advocate General
Assisted by Mr.L.S.M.Hassan Fazil
Additional Government Pleader
for R2

COMMON JUDGMENT

R. MAHADEVAN, J.

Since the issues that arise for consideration in all the writ appeals and the writ petitions revolve around the same notification no.3/2018 dated 14.02.2018 and the consequential selection process conducted by the Tamil Nadu Public



W.A.No.590 of 2023 etc. batch

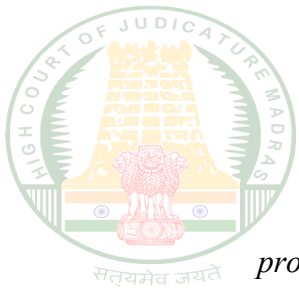
Service Commission, all these cases were heard together and are decided by this common judgment.

WRIT APPEALS

2. The facts of the case as could be discerned from the order passed by the learned Judge, which is impugned in the writ appeals, may be set out below:

3. The writ petitions in W.P.No.12776 of 2020 etc. batch, were filed to set aside the provisional selection list published by the Tamil Nadu Public Service Commission (TNPSC) on 28.04.2021, calling 226 candidates to oral test for selection and appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II, in the Tamil Nadu Transport Subordinate Service and to direct the TNPSC to prepare a fresh selection list for admission to the oral test by permitting the writ petitioners therein to participate in the same.

4. Originally, the selection process started by virtue of a notification no.3/2018 issued by TNPSC on 14.02.2018 and the first selection of 32 candidates for oral test became a subject matter of challenge in the writ petitions and by order dated 24.01.2020, the learned Judge disposed of the same, with the following directions:



WEB COPY

“(a)The Motor Vehicles Maintenance Department shall take up the process of verification of the Workshop Experience Certificates issued by the approved Automobile Workshop as defined in the explanation to Clause 6(B) of the Notification.

(b) The Workshop Experience Certificates shall be scrutinized by the Motor Vehicles Maintenance Department for all the 1328 candidates, who participated in the written examination.

(c)The verification/scrutiny shall be done with regard to all the Workshop Experience Certificates issued to the candidates, irrespective of the year in which it was issued.

(d)The Automobile Workshops are recognised/approved/certified only by the Motor Vehicles Maintenance Department and therefore, the department is expected to know the criteria/basis on which such recognition/approval/certification was granted and the records that are supposed to be maintained by these Workshops. The same shall be kept in mind while scrutinizing/verifying the Workshop Experience Certificates issued to the candidates by the concerned Workshop. The relevant records are already available and what requires to be verified is the authenticity of the certificates issued by the Authorised Workshops.

(e)It is open to the Motor Vehicles Maintenance Department to get clarifications from the candidates, if so required during the process of verification/scrutiny.

(f)The bench mark that is evolved by the Motor Vehicles Maintenance Department shall be equally applied across the board for all the candidates without any discrimination and this will ensure transparency in the entire process.

(g)The Motor Vehicles Maintenance Department at the time of considering the experience of the candidates who have worked on vehicles fitted with petrol engines and diesel engines, need not disqualify a candidate for not possessing the experience with petrol engines. The State Transport Corporation has already dispensed with petrol engine run vehicles from the year 2014 onwards and therefore, it cannot issue Work Experience Certificate for candidates who worked in the State Transport Corporation for experience in vehicles fitted with petrol engines. Therefore, the experience with petrol engines and/or diesel engines can be taken into consideration provided the candidate has worked for a period of not less than one year.

(h)While considering the minimum period of one year, the Motor Vehicles Maintenance Department shall ensure that each candidate had worked atleast for 240 days a given year. The Motor Vehicles Maintenance



W.A.No.590 of 2023 etc. batch

WEB COPY

Department shall also ensure that candidates who had worked as a mechanic and are claiming consideration of their combined experience as a mechanic and as a driver, have done test driving in the course of their work. The full Bench of this Court in the judgment referred supra has clarified this position.

(i) Insofar as the driving experience certificate is concerned, a self-declaration shall be obtained from the person in-charge of the Automobile Workshop in the format that has been appended to the memo filed by the Transport Commissioner.

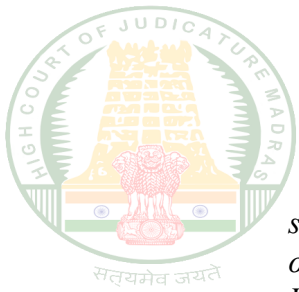
(j) The Motor Vehicles Maintenance Department shall complete this process within a period of four weeks from the date of receipt of copy of this order and submit its report to the TNPSC.

(k) The TNPSC on receipt of the report from the Motor Vehicles Maintenance Department, shall independently apply its mind as a constitutional functionary under Article 320 of the Constitution of India and proceed to call all the eligible candidates for the oral test. It is also open to the TNPSC to seek clarification from the candidates in the course of certificate verification; and

(l) The TNPSC shall complete the process of final selection within a period of four weeks after it receives a report from the Motor Vehicles Maintenance Department and shall publish the fresh list of selected candidates on its website. By virtue of this order, the earlier selection list consisting of 32 candidates gets automatically effaced."

5. The aforesaid order passed in the batch of writ petitions in the earlier round, was challenged in W.A.No.509 of 2020 etc. batch, wherein a Division Bench of this Court upheld all the directions issued in the writ petitions except direction no.44(g), the relevant portion of which is reproduced below:

"64. Consequently, the Writ Appeals are partly allowed to the extent that Direction no.44(g) of the learned single Judge is set aside and the issues raised stand answered as per the observations made herein above. The result is that the verification of the work experience certificates, validity of the licence and the driving experience certificates as per Clause 10 of the advertisement be carried out, where after a list of candidates in the ratio of 1:2 of the vacancies shall be drawn up, in compliance with the advertisement, including Clause B thereof, and such candidates shall be



WEB COPY



W.A.No.590 of 2023 etc. batch

sent up for the oral test. In addition, the verification shall also be carried out in respect of Mr.Murugan, petitioner in C.M.P.No.8490 of 2020 in W.A.No.445 of 2020, subject to the caveat that his selection would be subject to the outcome of W.P.No.13896 of 2018. Except to the extent indicated herein, all the other directions in paragraph 44 of the learned single Judge's order shall continue to be binding."

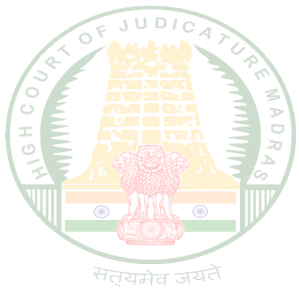
6. The order passed by the Division Bench of this Court was challenged before the Apex Court in SLP (C) No. 13571 of 2020 and the same was dismissed by order dated 19.01.2021. The process of selection once again commenced and finally, 226 candidates were called for oral test based on the marks obtained in the written examination. Their selection was published by the TNPSC on 28.04.2021 and the same was put to challenge in the batch of writ petitions, from which the present writ appeals have emanated.

7. The learned Judge classified the issues involved in the batch of writ petitions, under the following heads:

Batch I - Lack of experience acquired by the petitioners less than 1 year of the actual approval period of the workshop.

Batch II - Petitioners who do not possess experience both in diesel engines and petrol engines.

Batch III - Petitioners whose attendance registers do not match with the earlier MVMD records and they have gained experience only in a minor workshop.



W.A.No.590 of 2023 etc. batch

WEB COPY

Batch IV - Petitioner who did not produce the ID proof of the owner in respect of driving experience.

Batch V - Petitioner who has acquired driving experience even before obtaining driver's license.

Batch VI - Petitioners who made wrong claim in the medium of instruction (PSTM).

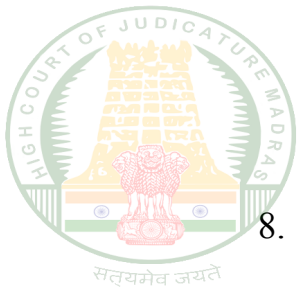
Batch VII - Petitioners who did not reach the zone of selection to be called for oral test based on the marks obtained by them in the written examination.

Batch VIII - Petitioner who acquired workshop experience before obtaining the educational qualification.

Batch IX - Petitioner who did not work as a heavy transport vehicle Driver in TNSTC, Kumbakonam from 24.10.2007 to 27.04.2013.

Batch X - Petitioners whose attendance register particulars were not able to be verified and confirmed.

Batch XI - Miscellaneous issues like the petitioners not gaining experience in a workshop as per the notification / experience certificate found to be a fake one/ the workshop not in existence in the mentioned address etc.



W.A.No.590 of 2023 etc. batch

8. The learned Judge distinguished the writ petitions according to the above classification and disposed of the same issue-wise. Now, we take an example with regard to Batches I, II and III which pertain to the experience gained by the candidates. The experience qualification has been stipulated under Clause 6(B) of the Notification dated 14.02.2018. The mandate that has been prescribed under this Clause is that the candidate should possess workshop experience and worked at least for 240 days in a given year and during this period, the concerned workshop should have had a valid approval from the MVMD for carrying out all kinds of repairs. The approval granted to a private workshop must be co-extensive with a valid fire insurance and factory license and the experience certificate obtained by the candidate must be co-extensive with the period during which the approval is actually available to the concerned private workshop. If any of the conditions are not satisfied, it will amount to rejection of candidature of the applicants.

9. For each classified batch of writ petitions as above, the learned Judge by a common order dated 10.02.2023, has delved deeper into the details, obtained the opinion of the learned Additional Advocate General, heard the arguments advanced by all the parties and taken a decision as to the selection of the individuals on various counts and finally, disposed of all the writ petitions

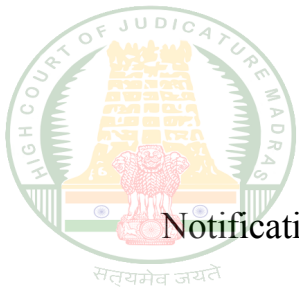


W.A.No.590 of 2023 etc. batch

by directing the TNPSC to complete the selection process and publish the final selection as early as possible, since the selection is still pending from the year 2018.

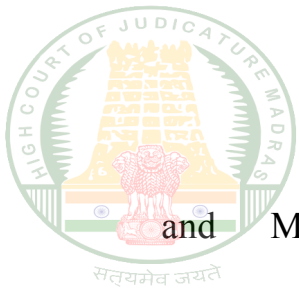
10. Challenging the common order passed by the Learned Judge on 10.02.2023, the present writ appeals have been filed by some of the aggrieved writ petitioners therein, with regard to their respective claims. On the other hand, W.A.Nos.1566, 1567 and 1569 of 2023 have been filed by TNPSC to set aside the order dated 10.02.2023 passed in W.P.Nos. 28055, 12403 and 12154 of 2021 respectively, insofar as paragraphs 53 to 59 therein pertaining to Batch – VI (PSTM issue), wherein a direction has been issued to the TNPSC to consider the writ petitioners therein for the next stage of selection process, namely, interview for recruitment to the post of Motor Vehicles Inspector Grade-II.

11. The learned counsel for the appellants in W.A.Nos.580, 582 to 594 of 2023 and 1094 of 2023 submitted that except the appellants in W.A.Nos.592 of 2023 and 586 of 2023, all the other appellants' experience certificates have been rejected on the reason of not having subsistence of approval during the one-year experience period. In this connection, it is submitted that the Central



W.A.No.590 of 2023 etc. batch

Notification dated 08.03.2019 dispensing with the experience requirements, viz., 1 year workshop experience and 6 months driving experience should be applied in the subject matter of selection. Thus, the impugned selection list is liable to be set aside for non-selection of the appellants by illegally rejecting their workshop experience and by selecting ineligible candidates. Reliance has been placed upon G.O.No.123 dated 01.02.1984, G.O.No.37 dated 13.02.1997 and G.O.No.69 dated 10.08.2005. It is further submitted that the appellants' certificates have to be tested only based on these G.Os. and not on the stipulations made by the Director of MVMD. The restrictions imposed by the authority can be construed only as directory and not mandatory. The rejection of the experience certificates of the appellants is contrary to the own official website of the authority and hence, the same is manifestly arbitrary and discriminatory. The reason stated for rejection of these appellants was not applied for the selected candidate one Balamurugan, Sl.No.193. Out of the 226 candidates, 105 candidates who got experience certificates prior to 2011 were benefited by the retrospective effect of the approval orders, but the same has been denied in the case of the appellants herein. It is also submitted that all the extension of approvals were given belatedly and the same were given retrospective effect almost in all cases. To illustrate this point, the counsel relied upon the selection of one K.Shanmugavel – Sl.No.129, Narendran – Sl.No.147



W.A.No.590 of 2023 etc. batch

and M.Srinivasan – Sl.No.189. Apart from the same, one

Mr.R.SelvaDhakshinamurthy, Sl.No.217 with two experience certificates has been selected. It is further pointed out that the authorities failed to appreciate that once the approved workshops are uploaded in the website and the same are already uploaded before a candidate enters the workshop, and if the workshop is having subsisting Factory License and Fire Insurance Cover, the candidate who had undergone experience in such a workshop cannot be non-suited for selection on the ground of belated approval. Therefore, all the workshop experience certificates of the candidates should be examined. Despite several candidates not qualified to get selected, the authorities included them in the selection list by fabricating false records by committing criminal breach of trust, however, the learned Judge in the impugned order, upheld their selection. In this connection, it is submitted that in the workshop experience certificate produced by one Ilavarasan, it was falsely stated as at Coimbatore, instead of Erode, but he has been selected as if he underwent experience at Coimbatore. Further, similar motorcycle experience produced by a candidate, was rejected and it was upheld by the learned Judge, whereas false certificate of Ilavarasan has been accepted. It is also submitted that the authorities have selected even the candidates whose certificates state that they had undergone workshop experience only in diesel engines. In this connection, it is submitted that the



W.A.No.590 of 2023 etc. batch

actual Registration Number of the vehicles fitted with petrol engine is liable to be verified to prove their experience in petrol engine fitted vehicles. The Tamil Nadu Motor Vehicle Maintenance Department has made false statements before the Court and the learned Judge simply ignored the submission of the appellants demonstrating the falsity of the statements of the said department. In this regard, it is submitted that one Balamurugan has been illegally selected and he was defended by making false averments. Ultimately, the learned counsel submitted that it is just and necessary to issue a direction to the effect that the interview has to be conducted transparently by videographing the same and award the marks forthwith after interview and also to display the marks for each candidate immediately. It is also prayed to issue appropriate orders to initiate contempt and criminal proceedings to prosecute the members of the TNPSC and other officers responsible for the discriminatory selection, fabrication of false records and to cause undue favour to the undeserved candidates. Supplemental written submissions have been made stating that the impugned selection list containing 226 candidates without considering any upper age limit even for General Turn quota of 31%, is liable to be quashed.

12. The learned counsel for the appellant in W.A.No.645 of 2023 made submissions on the similar lines made by the learned counsel for the appellants

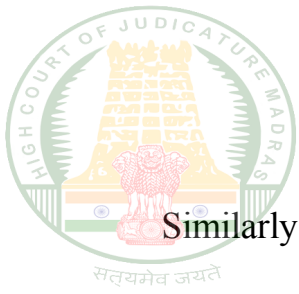


W.A.No.590 of 2023 etc. batch

in the above batch, in respect of experience, and sought to allow the writ appeal.

The learned senior counsel for the appellant in W.A.No.691 of 2023 submitted that the appellant was not selected on the ground that the workshop certificate was not extended during the time in which he has served there, stating that the said period was not duly covered with insurance policy. It is further submitted that the workshop where he had undergone training, has got factory license, insurance policy as well as approval from the Motor Vehicle Maintenance Department and the appellant satisfies all the requisite qualification for having undergone workshop experience. It is also submitted that the appellant fared well in the written examination and only because of non-acceptance of his experience certificate, he was not selected to the post in question. Stating so, the learned senior counsel prayed for a direction to the authorities for including the name of the appellant in the selection list and thereby, allowing this appeal.

13. The learned counsel for the appellant in W.A.No.1419 of 2023 submitted that the learned Judge ought to have seen that the appellant gained sufficient experience from the approved automobile workshop and hence, he shall not be rejected on the ground that his experience was not co-extensive with the approval of an automobile workshop, where he worked, which, according to the learned counsel, is completely outside the purview of the Notification.



W.A.No.590 of 2023 etc. batch

Similarly, it is contended on behalf of the appellants in W.A.Nos.689, 691 and 1174 of 2023 that the order passed by the learned Judge rejecting the claim of the appellants on the ground that they do not possess one year experience corresponding to the period of approval granted by the Motor Vehicle Maintenance Department to the said workshop and failing to satisfy the prescribed qualification under Clause 6(B) of the Notification dated 14.02.2018, cannot be sustained and liable to be quashed. It is submitted by the learned senior counsel for the appellant in W.A.No.830 of 2023 that the order passed by the learned Judge by including the appellant under Batch-I Category on the ground that he failed to satisfy the experience qualification prescribed under Clause 6(B) of the Notification, was made without verification of the fact that the appellant produced valid Experience Certificate for the period from 15.09.2014 to 31.10.2015 issued after verification of factory license and fire insurance, apart from the fact that the experience gained by the appellant is co-extensive with the period of approval.

14. The learned counsel for the appellant in W.A.No.754 of 2023 submitted that the learned Judge erred in law in not considering the candidature of the appellant. According to the learned counsel, the appellant had undergone experience for a period of 11 months and 28 days and satisfied the norms of



W.A.No.590 of 2023 etc. batch

240 days and that the approval has been granted for the relevant period and further, there is no complaint about the approval with regard to factory license and fire insurance and everything is in order. Stating so, the learned counsel prayed for allowing this writ appeal.

15. The learned senior counsel for the appellants in W.A.No.549 of 2023 submitted that the TNPSC has not followed the Notification and also the prevailing Service Rules of the State and Central Governments, especially with regard to educational qualifications and they have selected more than 123 candidates illegally and in that process, the candidature of the appellants has been rejected. Therefore, the learned senior counsel prayed for a direction to the TNPSC to permit the appellants to participate in the oral test.

16. The learned senior counsel for the appellants in W.A.Nos.545, 546, 548, 549, 550, 552 & 767 of 2023 and the learned counsel for the appellant in WA No. 1011 of 2023 submitted that during certificate verification neither the TNPSC nor the Motor Vehicle Maintenance Department called the candidates for any clarification. Rejection orders have been passed by the Department without following the principles of natural justice. The rule of reservation ought to have been followed even while preparing the list of 226 candidates for oral



W.A.No.590 of 2023 etc. batch

test. Only a consolidated list has been prepared without specifying the categories as per Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Without taking note of the same, the learned Judge has erred in approving 12 candidates in the list of 226 candidates even when the MVMD conceded that the application of these 12 candidates, was not in proper format. It is also submitted that the candidature of applicants who had undergone training in TNSTC, Salem were rejected on the ground that they did not get training in petrol engine vehicles. The learned Judge has failed to consider the contention raised on the side of the appellants that TNPSC failed to follow the Selection Procedure in Clause 10 of the Notification, by erroneously holding that the issue has been dealt with and orders have been passed and confirmed by the Division Bench. According to the learned counsel, it is not correct on the part of the learned Judge to rely upon the report of the MVMD in relation to the experience of 51 candidates falling under Batch-1, since the appellants were not heard while relying upon the report. Regarding the candidates in Batch-VII, TNPSC stated that it did not include the 17 candidates in the list of 226 candidates, since they did not come within the zone of consideration. The learned Judge failed to draw an inference that selection of 226 candidates for oral test, lacks transparency. In view of these reasons, according to the learned counsel, the order dated 10.02.2023 of the learned



W.A.No.590 of 2023 etc. batch

Judge has to be set aside and a fresh list has to be prepared.

WEB COPY

17. The learned counsel for the appellant in W.A.No.645 of 2023 submitted that even though the appellant's name has been shortlisted for attending the oral test which is the second stage of selection, on a challenge by certain aggrieved persons, the appellant's claim was not appropriately considered resulting in filing of W.P.No.12130 of 2021 by the appellant. In this connection, the learned counsel pointed out that the appellant fully satisfied the conditions as regards experience, workshop license and insurance coverage and hence, the claim of the appellant cannot be denied.

18. The learned counsel for the appellant in W.A.No.747 of 2023 submitted that the appellant's case falls under Batch-I; and that the reason stated for rejection of the candidature of the appellant was that his experience is less than one year. In this connection, it is submitted that workshop renewal application was made on 04.02.2015, but renewal was granted only on 24.06.2015. This case is a violation of the principle of 'promissory estoppel'. Referring to various decisions, it has been stated that delay for renewal of workshop had occurred only due to administrative reasons and in fact, for certain workshops retrospective approvals are given. Stating so, the learned



W.A.No.590 of 2023 etc. batch

counsel submitted that the scheme is designed in such a way to eliminate unfavourable candidates and admit favourable candidates and hence, the appellant may be permitted to attend oral test. The learned counsel for the appellant in W.A.No.754 of 2023 argued on the same lines as above. Additionally, he submitted that while considering the minimum period of one year, the Department has to ensure that each candidate had worked at least for 240 days in a year and if that is done, the rejection of the appellant's application is liable to be set aside.

19. The learned senior counsel appearing for the appellant in W.A.No.748 of 2023 contended that the appellant's claim has been rejected on the ground that TNSCTC, Salem, did not have petrol vehicles, whereas the qualification requires both diesel and petrol engines. In this connection, the learned senior counsel submitted that the appellant had earlier participated in the process of selection for MVI Gr.II in the year 2011-12 and the matter went upto certificate verification, but because of not securing the required cut-off marks, he was not selected. Similarly placed persons like that of the appellant have been selected on the basis of the selection of one Ilavarasan and when admittedly, TNSCTC, Coimbatore had no petrol vehicles repaired, the same yardstick should be applied to TNSCTC, Salem, and therefore, the appellant is



W.A.No.590 of 2023 etc. batch

entitled to the same relief of being selected.

WEB COPY

20. The learned counsel for the appellant in W.A.No.860 of 2023 submitted that TNPSC had deemed it fit to specifically provide in their own Notification an explanation to Automobile Workshop that an Automobile Workshop RECOGNISED OR APPROVED OR CERTIFIED by the Transport Commissioner or the Director, Motor Vehicle Department for carrying out all kinds of repairs the experience has to be acquired. It is enough that if the workshop is recognised or approved or certified, thus the very reason of rejection of the candidature itself is violative of the provisions contained in the Notification.

21. The learned counsel for the first respondent in W.A.Nos.1566 and 1567 of 2023 / writ petitioners submitted that from a reading of the advertisement dated 14.02.2018 - Notification No.03/2018, it is crystal clear that if diploma is the requisite qualification required and the medium of instruction as per the DoTE letter dated 06.06.2019 is English, not a single person would have been selected under this category and the vacancies would be filled up by candidates of non-PSTM category. It is further submitted that it has been specifically mentioned in paragraph 57 of the order that even if the



W.A.No.590 of 2023 etc. batch

petitioners were not found eligible under the PSTM category, they should be considered under the General Category and cannot be rejected outrightly.

Stating so, the learned counsel prayed this Court for dismissal of these appeals.

22. The learned counsel for the appellant in W.A.No.2069 of 2023 submitted that the appellant insisted several times to reveal the marks in the written examination so as to be satisfied with regard to his position, but the same was not provided, inspite of the direction of this Court, at least to reveal the marks of the selected candidates. This non-revealing only confirms that the appellant's mark is more than the one obtained by the last candidate. Hence, the candidature of the appellant has to be considered for oral test.

23. The learned counsel for the appellant in W.A.No.860 of 2023 submitted that the appellant belongs to SC community and despite his meritorious performance in the written examination in the selection proceedings for appointment to the post of Motor Vehicle Inspector Grade-II, his name was omitted to be included in the impugned list dated 28.04.2021 on the ground that the experience acquired is less than one year of the actual approval period of the workshop. The learned counsel further submitted that the authorities for the

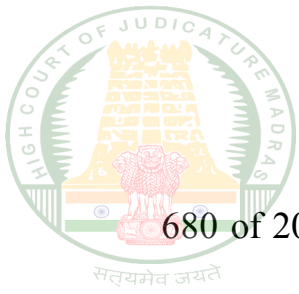


W.A.No.590 of 2023 etc. batch

reasons best known to them, had omitted to include the appellant's name, despite his qualification, eligibility and relative merit, which act of the authorities bristles with arbitrariness and unreasonableness. It is also submitted that various persons who have secured lesser marks than the appellant have been included in the select list. Stating so, the learned counsel prayed for setting aside the order impugned herein.

24. The learned counsel for the appellant in W.A.No.1783 of 2023 submitted that without adjudicating all the issues raised by the appellant, the learned Judge has passed the order dismissing the writ petition filed by the appellant. The learned counsel further submitted that on 28.04.2021, the TNPSC published the Provisional Selection List afresh as ordered by the Division Bench of this Court, but the said list also contains various illegalities and infirmities and even now, the experience certificates of meritorious candidates have been rejected. It is also submitted that the experience certificates filed by the Tamil Nadu Motor Vehicle Maintenance Department, before this Court are not proper and the same disclose various illegalities and corrupt practices. Stating so, the learned counsel sought to allow the writ appeal by setting aside the order passed by the learned Judge. Similar is the case in respect of the appellants in W.A.Nos.581, 1931 and 1953 of 2023.

25. The learned senior counsel for the appellants in W.A.Nos.679 and



W.A.No.590 of 2023 etc. batch

680 of 2023 submitted that as per the directions of this Court, documents have been produced to the Government Pleader and it was considered that the appellants are having valid workshop experience from the approved workshop, but unfortunately, the writ petitions filed by the appellants have been dismissed along with batch of cases on the ground that there is a break in period of approval and thereby a portion of the period was not falling within the recognised period. Stating so, the learned counsel prayed to allow the appeals.

26. The learned senior counsel for the appellant in W.A.No.766 of 2023 submitted that the learned Judge has not appreciated nor even discussed or dealt with the fact in the impugned common order that the appellant and other 31 candidates were selected only pursuant to the orders passed by this Court in the writ appeal preferred by TNPSC in W.A.No.3261 of 2019 dated 24.09.2019. When they have been selected with disclosure of marks, there cannot be any assessment of comparative merit by calling them to undergo the process of selection once again and they should be treated as a separate class by themselves by considering their selection has already been concluded. The learned senior counsel further emphasized on the point that when the appellant has been selected to the post of Motor Vehicle Inspector Grade-II and also issued with selection order by TNPSC with disclosure of marks which include

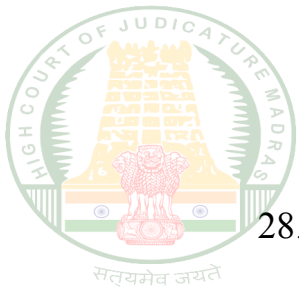


W.A.No.590 of 2023 etc. batch

written examination marks and oral test marks, he cannot be subjected to any further process of selection. Therefore, the learned senior counsel prayed to allow this appeal. Same is the case in respect of the appellant in W.A.No.2012 of 2023.

27. The learned senior counsel appearing for the appellant / TNPSC in W.A. Nos. 1566, 1567 and 1569 of 2023 submitted that the writ petitioners therein uploaded their PSTM certificate for the diploma course issued by the Head of Institution in which they had completed such course. On the contrary, on a specific query raised by the TNPSC with the Directorate of Technical Education, it has been clarified by letter dated 06.06.2019 that the medium of instruction for the diploma courses offered by it, is English. The learned Judge misdirected himself by relying on an archaic letter of the DoTE dated 10.01.1985 issued 38 years ago, in this connection. As per Clause 12(B) of the Notification, merely writing the examination in Tamil language will not satisfy the requirement of having studied in Tamil medium. As a consequence, the candidature of the writ petitioners therein, was rejected, which has now been erroneously set aside by the learned Judge *vide* the order impugned herein, with a further direction to consider them for the next stage of selection process, namely interview.

WRIT PETITIONS



W.A.No.590 of 2023 etc. batch

28. Apart from the aforesaid writ appeals, fresh writ petitions have been filed raising contentions as to the non-selection of the petitioners herein.

29. The learned counsel for the petitioners in W.P.Nos.9430 and 9433 of 2023 submitted that despite the fact that the petitioners have undergone the process of selection successfully in the written examination, it is not correct on the part of the authorities to reject their candidature at this distant point of time. Therefore, the learned counsel sought to allow the writ petitions.

30. The learned counsel for the petitioner in W.P.No.9768 of 2023 submitted that the petitioner has been selected in the written test and his register number appeared in the selection list dated 28.04.2022. But, in a batch of writ petitions filed before the writ court, followed by a further batch, classifications of the candidates were made under different heads and finally, this petitioner was excluded and further fresh candidates were included when the fact remained that the marks were kept in sealed covers in the strong room without revealing it. This sort of practice by TNPSC is not transparent and hence, the entire Notification has to be quashed and the writ petition has to be allowed, according to the learned counsel.

31. The learned counsel for the petitioners in W.P.Nos.9785 and 9788 of 2023 submitted that after ascertaining all the details, the petitioners herein



W.A.No.590 of 2023 etc. batch

WEB COPY
were admitted to write the written examination and after their passing in the same, the authorities have also proposed to allow them for oral test, but the petitioners' candidature have been rejected on the ground that they have not possessed valid driving license as on 14.02.2018, which was ascertained from the Joint Transport Commissioner, when the fact remained that he is not the competent authority to issue such letter. Hence, the learned counsel sought to allow these writ petitions.

32. The learned senior counsel for the petitioner in W.P.No.10478 of 2023 submitted that the petitioner has secured good marks in the written examination and his Workshop Experience Certificate and Driving Experience Certificate were found to be in order and he having come out successful in all stages of selection, cannot be thrown out of selection on the ground of debarment made by the Teachers Recruitment Board. There is no rule or regulation, which provides that a person who is debarred for appearing in the examination conducted by a particular Board, will be automatically debarred from participating in the recruitment conducted by all other Agencies in future. The fact remains that the petitioner has not suppressed any information to the Board. Stating so, the learned senior counsel prayed for a direction to the authorities to consider the candidature of the petitioner based on the earlier provisional selection list published on 28.04.2021 and admit him in the oral test



W.A.No.590 of 2023 etc. batch

for appointment to the post of MVI Grade-II and grant all consequential benefits.

33. The learned counsel for the petitioner in W.P.No.19478 of 2023 submitted that the petitioner is similarly placed as that of the petitioners in Batch VI involving W.P.Nos.12403 of 2021, 12154 of 2021 and 28055 of 2021, the issue being that they have made a wrong claim under PSTM category and their candidature was rejected. The learned counsel further submitted that it is not correct on the part of the learned Judge to rely upon the letter issued by the Director of Technical Education for applying under the PSTM category. A mere letter cannot dictate law. Even if a petitioner is not considered under PSTM category, he has to be considered under the UR quota. Stating so, the learned counsel prayed for allowing the writ petition.

34. The learned senior counsel appearing for the petitioner in W.P.No.9641 of 2023 submitted that the register number of the petitioner was included in the list dated 28.04.2021 released by the TNPSC containing the register number of 226 candidates selected for oral test for appointment of 113 candidates by direct recruitment to the post of MVI Grade-II, based on the results of the written examination on 10.06.2018. But, in the fresh list dated 17.03.2023, the register number of the petitioner was not included. The reason



W.A.No.590 of 2023 etc. batch

stated for non-inclusion is that the petitioner has not reached the zone of consideration for provisional admission to oral test in the ratio of 1:2/1:3. This has been made after passing of the impugned order of the learned Judge, according to the learned counsel. It is further stated that there is no proof to show that rule of reservation was followed while preparing the fresh list. With these submissions, the learned senior counsel sought to quash the said list and consequently direct the authorities to call the petitioner for oral test for the post in question, pursuant to the notification dated 14.02.2018 issued by the TNPSC.

35. Similar is the situation in W.P.No.17681 of 2023, wherein the application of the petitioner has been rejected stating that he has not reached the zone of consideration for provisional admission to oral test in the ratio of 1:2/1:3. The learned counsel for the petitioner submitted that this kind of rejection without any specific allegation of disqualification against the petitioner shows the arbitrariness and colourable exercise of power coupled with malafides on the part of the TNPSC. In W.P.No.17504 of 2023, it has been stated by the learned counsel for the petitioner that the petitioner is fully qualified for the post of Motor Vehicle Inspector, Grade-II as per the Notification, but unfortunately the authorities did not include his name in the list of candidates selected for oral test as per the directives of the High Court. As such, the learned counsel prayed

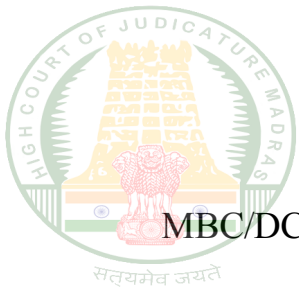


W.A.No.590 of 2023 etc. batch

for allowing this writ petition by quashing the list dated 17.03.2023 and consequently, direct the authorities to admit him for oral test.

36. The learned counsel for the petitioner in W.P.No.13765 of 2023 submitted that even though the learned Judge issued guidelines in his order dated 10.02.2023 for revising the list afresh by including certain candidates whose candidature was earlier rejected, he failed to take note of the fact that the training undergone in the workshops of the State Transport Corporation Undertaking was not uniform and there were cases that would satisfy the training conditions enumerated in the Notification. Therefore, the learned counsel prayed for inclusion of the petitioner's name in the revised list to be prepared by the TNPSC as directed by the learned Judge, taking note of the experience gained by the petitioner.

37. The learned counsel for the petitioner in W.P.No.13872 of 2023 submitted that the petitioner's name was not included in the fresh list of 226 candidates published by the TNPSC. Adding further, the learned counsel submitted that after the directions of the learned Judge, this has happened. From the marks published for the earlier 33 candidates, it is seen that many candidates who had scored less than the petitioner's expected marks in the written examination were also called for oral interview and they belong to



W.A.No.590 of 2023 etc. batch

MBC/DC/BC. The petitioner belongs to BC category and hence, his chance of being eligible for oral test is obvious. Hence, the learned counsel prayed for a direction to the authorities to include the petitioner's name for the further process of recruitment.

38. The learned counsel for the petitioners in W.P.Nos.11767, 10998, 11003, 11004, 11245 and 11248 of 2023 submitted that the petitioners' names were not included in the fresh list published by TNPSC for oral interview after the directions of the learned Judge in the batch of writ petitions in W.P.No.12776 of 2020 etc. Stating that the petitioners have got all requisite qualifications and experience as per the Notification, the learned counsel prayed to quash the list and to direct the authorities to call the petitioners in these writ petitions for oral test for appointment to the post of MVI Grade-II.

39. It is submitted by the learned counsel for the petitioner in W.P.No.10685 of 2023 that the petitioner attended the written examination on 10.06.2018 and performed well in the examination. While so, in the list prepared for provisional admission to oral test containing 226 candidates, the petitioner's name has not been included. It is also submitted that the candidates who had only diesel engineering experience were allowed to participate in the interview. Under the circumstances, the learned counsel sought to set aside the



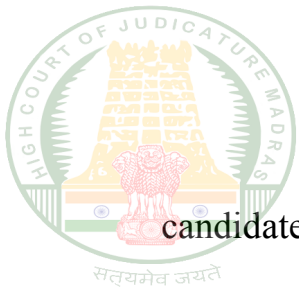
W.A.No.590 of 2023 etc. batch

list of candidates who have been admitted provisionally to the oral test and to direct the TNPSC to announce the tentative list of eligible candidates for certificate verification and oral test based on the marks obtained by the candidates in the written examination as per Clause 10 of the Notification and also to consider the petitioner for selection for direct recruitment to the said post. The learned counsel for the petitioner in W.P.No.10630 of 2023 made his submissions on the similar lines. That apart, the learned counsel for the petitioner in W.P.No.10955 of 2023 also prayed for the very same relief to direct the authorities to call the petitioner for oral interview based on the result of the written examination conducted on 10.06.2018.

40. The learned counsel for the petitioners in W.P. Nos. 11040, 12443, 16442, 16443, 16909 and 20234 of 2023 made similar submissions as have been submitted in W.A Nos.580, 582 to 594 of 2023 and 1094 of 2023, as the petitioners herein are similarly placed as that of the appellants therein and sought to quash the list dated 17.03.2023 and direct the authorities to permit the petitioners to attend oral test for the post in question.

SUBMISSIONS OF THE AUTHORITIES

41. In reply to all the queries and challenges made by the above writ appellants and also the writ petitioners, it is submitted that an unsuccessful



W.A.No.590 of 2023 etc. batch

candidate cannot challenge the Notification after taking part in the recruitment process. The appellants have accepted the conditions of Notification, written the examination and taken part in the recruitment process, but have not been included in the select list since they do not possess a valid workshop experience certificate for one year. The first legal contention that the Notification should be governed by the Central Notification dated 08.03.2019 dispensing with the experience notification has to be rejected in limini.

42. In respect of the question as to whether the impugned selection list is liable to be quashed due to selection of ineligible candidates for violation of conditions stipulated under the Notification; for non-selection of eligible candidates by illegally rejecting their workshop experience certificate, it has been submitted that a combined reading of the relevant clauses of the Notification makes it clear that the experience should be from a recognised / approved workshop and should be co-extensive with the order of approval. Only when the twin tests are satisfied the experience is taken to be valid under the Notification.

43. In respect of the question as to the practice governing the workshop approval vide G.O.Ms.No.123 dated 01.02.1984, G.O.Ms.No.37 dated 13.02.1997 and G.O.Ms.No.69 dated 10.08.2005, it is submitted that it is the



W.A.No.590 of 2023 etc. batch

policy of the Government to lay down standards for issuance of approval to workshops; that different parameters under the Government orders have never been challenged by even the workshop owners, who have accepted the conditions and the orders of approval issued under the various Government orders. Hence, the learned Judge has rightly held that it is only the workshop owners who could question or agitate the delay in grant of approval or any other ground with respect to the validity of the approval and not the petitioners / appellants who have undergone their experience in the workshops. As per the changed policy of the Government after 2012-2013, the workshops were all granted approval from the date of issuance of the approval orders. MVMD Department has followed the uniform yardstick of taking into account the experience certificates which are co-extensive with the approval. With regard to the argument to consider the workshop experience even without the validity of the approval during the period on terms that after 2011, the workshop experience given from the date of approval instead of the entire period, it is submitted that it would violate the condition of the Notification, which stipulates that the workshop experience should be co-extensive with that of approval.

44. With regard to the restriction of the validity of the workshop to be construed only as directory and not mandatory, it is submitted on the side of the authorities that grant of workshop license / approval is governed by the



W.A.No.590 of 2023 etc. batch

Government orders and the period shown in the approval orders has become final. The appellants / petitioners, having accepted the terms and conditions of Notification that the experience should be in tandem with the orders of approval, cannot challenge the Notification or any conditions in the notification and argue otherwise as the same would amount to approbation and reprobation, which is permissible. During the period of non-grant of approval, no vehicle would be repaired in the workshop and therefore, the experience can never be counted, when there is no approval.

45. With regard to the rejection of experience certificate despite the fact that the website provides that the workshop is valid, it is submitted on behalf of the authorities that the Notification prescribes that orders of approval should be co-extensive with experience certificate. The Notification does not prescribe that the workshop approval should be as per the website. With regard to the selection of two candidates in Sl.Nos.155 and 177 based on the website copy, it is submitted that they have been included not based on the website, but due to the official letter given by the Motor Vehicle Department.

46. With respect to the candidate at Sl.No.193 Balamurugan, it is submitted that he has been removed from the list of selected persons as per the



W.A.No.590 of 2023 etc. batch

oral test list dated 17.03.2023 and the learned Judge has also dealt with the same in Paragraph-31 of the impugned order.

47. With regard to the removal of the candidate at Sl.No.189 M.Srinivasan, it is submitted that he has been removed due to the fact that he did not possess the valid driving license as on 14.02.2018.

48. It is also submitted on behalf of the authorities that several individuals have been included in the select list after 2011 by applying the orders of approval and the period stated therein. The varying policy of the Government during different periods for the grant of approvals and the same having been accepted by the workshop owners, the candidates, who have worked in the workshops, cannot be allowed to challenge either the policy of the Government or the validity of approvals. The reasoning given by the learned Judge in Paragraphs 33 to 36 governs the issue in respect of workshop experience prior to 2005 and after 2005, changed policy of the Government and other related aspects.

49. It is further submitted that the contention that one K.Shanmugavel has not produced any order of extension, but he has been selected, is factually not correct. He has produced the extension copy upto 31.12.2006 and the same

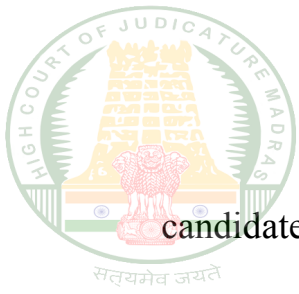


W.A.No.590 of 2023 etc. batch

is available at Pages 396 to 399 of Approval Copies of all 226 candidates produced by the MVMD Department. The workshop approval in respect of Jahanghir workshop is perfectly valid and the contention raised in this regard with respect to candidate V.Narendiran, cannot be countenanced.

50. With regard to the contention that without approval, workshops have repaired few vehicles and therefore, the experience can be counted, it is submitted on behalf of the authorities that the said contention cannot be countenanced since the approval orders clearly prescribe that no Government vehicle can be repaired in a workshop which has no valid approval. With regard to the contention that R.Selvadakshanamoorthy has been selected with two experience certificates, it is submitted that he has got requisite experience certificate from St.Peter Engineering Works, Cuddalore and Jothi Diesel Pump Engineering.

51. With regard to selection of unqualified candidates, it is submitted on behalf of the authorities that the selection of the individual K.Ilavarasan is subject to the decision of this Court and in respect of M.Arulraj (020002253), P.Shanmugavalli (020001030) and M.Govindarajan (020002151), they have been allowed by the learned Judge based on the selection of K.Ilavarasan, which is subject to the order of this Court in respect of experience in petrol engine. The



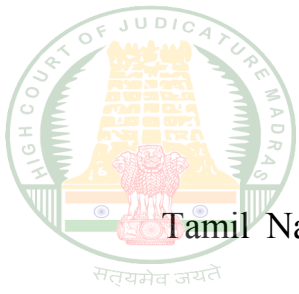
W.A.No.590 of 2023 etc. batch

candidates who have undergone experience with the AI Airport Services Ltd. /

Air India Ground Services, have been selected since so far as Government workshops are concerned, no approval is necessary as per the definition of the workshop. The employees of TNSCTC working as Assistant Engineers, have been selected based upon workshop experience.

52. With regard to 12 candidates stated to have been selected even though they have not filed the application in the proper format, it is submitted that they have got valid workshop experience, but having not uploaded in the prescribed format, it has been condoned by the Court. The contention that Candidate Nos.7, 12, 114, 126, 149, 169, 198, 206, 224, 229, 16, 49, 89, 125, 148, 154 and 170 have been selected despite the fact that they undertook only vehicle maintenance, is not correct. They have worked on vehicles fitted with petrol and diesel engines. MVMD has deleted the names of the candidates who have been included incorrectly and have also apologised to the Court for the mistakes committed with regard to K.Balamurugan. The appellants have failed to demonstrate that any of the candidates failed have been included illegally.

53. That apart, a supplemental note on behalf of TNPSC has been filed, wherein, as against the question as to whether the reserved category candidates who availed the benefit of 'no upper limit' under Section 20(8) of the



W.A.No.590 of 2023 etc. batch

Tamil Nadu Government Servants (Conditions of Service) Act, 2016 can be

accommodated against General Turn vacancies, for which there is an upper age limit of 42 years, it is stated that as per Clause 7 of the 'Instructions to Applicants', it has been provided that reserved category candidates would also be eligible for selection against the vacancies to be filled under General Turn vacancies on the basis of merit and upon such selection, the vacancy reserved for that particular category will not in any way be affected.

54. With regard to PSTM issue, it is stated on behalf of the TNPSC that in the recent judgment of the Hon'ble Supreme Court in SLP (Civil) Nos.3364-3367 of 2022 (S.Sriram vs. G.Shakti Rao), it has been held that PSTM Act of 2010 was intended to provide preferential appointment opportunities for those who have pursued their studies in Tamil medium entirely, ie., from 1st Standard upto the qualification prescribed and it was not intended to provide the benefit of preferential appointment only on the strength of pursuing the qualification curriculum in the Tamil Medium.

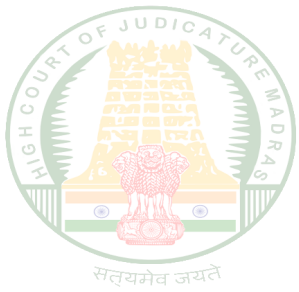
55. Further, it has been stated in the Supplemental Note that on earlier occasion, the learned Judge in Para 44(1) of the order dated 24.01.2020, clearly held that the earlier selection list consisting of 32 candidates gets automatically



W.A.No.590 of 2023 etc. batch

effaced and that has been confirmed by the detailed order dated 18.08.2020 of the Division Bench in the writ appeals. It has been further stated that under Section 20(4) of the Tami Nadu Government (Conditions of Service) Act, 2016, no person shall be eligible for appointment to any service by direct recruitment unless he satisfies the TNPSC in cases where appointment has to be made in consultation with it that his character and antecedents are such as to qualify him for such service. The fact of permanent debarment though occurred after the date of Notification for this recruitment, it should have been brought to the notice of TNPSC as per Clause 12K and failure to do so amounts to suppression of material facts.

56. It has been finally submitted on the side of the TNPSC that Notification is of the year 2018 and the selected persons are fully qualified as per the Notification having undergone their experience during the validity of the workshops. The appellants have successfully stalled the selection process for over a period of five years without being qualified and raising irrelevant issues with respect to 1 or 2 individuals whose selection, MVMD has deleted. Thus, the present list does not suffer from any infirmities, let alone any illegalities. Stating so, it has been prayed to dismiss all the writ appeals and the writ petitions filed by the individuals.



W.A.No.590 of 2023 etc. batch

DISCUSSIONS & FINDINGS

57. We have heard all the parties. The Learned Judge while deciding the writ petitions, segregated the points for discussion and decision into XI batches. In the appeals before us, some points in which, the reliefs were denied are being re-agitated, the candidates whose position stood altered as a result of the order of the Learned Judge, are before us claiming that certain ineligible candidates have been selected and the writ petitions have been filed by the candidates claiming to have been left out illegally by either removing them from the already existing select list or by not including them in the list on similar grounds in the subject matter of appeals before us. Some overlapping contentions are also raised in the appeals. Therefore, for the sake of convenience, we have decided to take up and decide the main issues along with connected contentions.

Experience Certificate

58. The major issue involved in the writ appeals and the writ petitions is revolving around the Experience of the candidates. It is the case of the applicants, who have been denied for inclusion in the select list eligible to participate in the oral test, that they have obtained experience certificate from authorized and approved workshops published in the website of the department.



W.A.No.590 of 2023 etc. batch

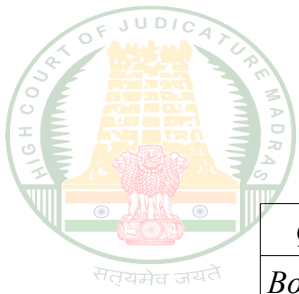
It is also their case that the workshops had the necessary Factory and Fire License and that all of them had put in atleast a year's service with not less than 240 days. However, the case of the State is that the experience must have been gained when the approval was in force, which is not the case in the appeals or that of the appellants. It is the further contention of the State that until 2011, the State by way of policy decision, had given retrospective renewal, but after 2011 only prospective renewal was made and that, the applicants are not entitled to question such decision, when the same was not questioned by the owners of the workshops. The view of the State was accepted by the Learned Judge, but with a minor deviation in the period upto which retrospective renewal was permitted, was considered to be till 2012-2013. Aggrieved, the appeals have been preferred.

59. Before we proceed further to decide the major issue, it will be useful to refer to the relevant clauses under the notification applicable to the present cases, which read as under:

"6 (B) EDUCATIONAL QUALIFICATION AND EXPERIENCE as on 14.02.2018

Applicants should possess the following or its equivalent qualification and experience as on 14.02.2018 (i.e. the date of notification):-

QUALIFICATION	EXPERIENCE
(i) SSLC	(i) Experience of having worked for a period of not less than one year both on vehicles fitted with
(ii) Any one of the following qualifications awarded by the State	Petrol Engines and Vehicles fitted with Diesel Engines on a full time basis in an Automobile workshop which undertakes repairs of Light



W.A.No.590 of 2023 etc. batch

QUALIFICATION	EXPERIENCE
<i>Board of Technical Education and Training, Tamil Nadu.</i>	<i>Motor Vehicles, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles.</i>
<i>A Diploma Automobile Engineering (3 years course)</i>	<i>(ii) Must hold a valid driving license authorising him to drive motor cycle, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles.</i>
<i>or</i>	<i>And</i>
<i>A Diploma in Mechanical Engineering (3 years course)</i>	<i>(iii) Must have experience in driving Heavy Transport vehicles for a period of not less than six months after obtaining license referred to above</i>
<i>Provided that other things being equal, preference shall be given to those who possess Post Diploma in Automobile Engineering awarded by the State Board of Technical Education and Training, Tamil Nadu.</i>	

EXPLANATION: “Automobile workshop” shall mean

(A) An Automobile workshop owned by the Government or the State Transport Corporation. or

(B)An Automobile workshop recognised or approved or certified by the Transport Commissioner or the Director, Motor Vehicles Maintenance Department for carrying out all kinds of repairs.

Note

(i) The Diploma qualification prescribed for this post should have been obtained after passing SSLC/H.Sc. The results of exam should have been declared on or before the date of Notification.

(ii) Experience should have been gained after passing the prescribed educational qualification.

(iii) The candidate should have valid driving licence on the date of notification.

(iv) Applicants claiming equivalence of qualification to the prescribed qualification should submit evidence for equivalence of qualification in the form of G.O. issued prior to the date of this notification, failing which their application will be summarily rejected. The G.Os issued declaring equivalence of prescribed qualification after the date of this notification will not be accepted under Section 25(b) of Tamil Nadu Government Servants (Conditions of Service) Act 2016. A list of Equivalence of qualification in the related subject is



W.A.No.590 of 2023 etc. batch

available in Annexure – I to this notification.(Refer also the disclaimer announced with the notification) (Refer para 10 of the “Instructions to Applicants”)

(v) The applicants should upload and submit experience certificate in the prescribed format

as provided in Annexure-II to this Notification along with online application.

(vi) The online application submitted without submitting the experience certificate in the prescribed format / copies of certificates with printout of online application will be summarily rejected.

(C) CERTIFICATE OF PHYSICAL FITNESS

Applicants selected for appointment to the above said post will be required to produce a certificate of physical fitness in the form prescribed below before their appointment:

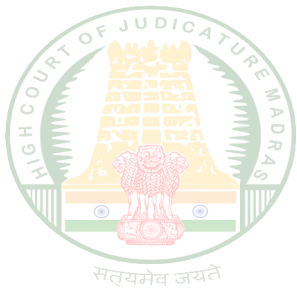
The Applicants with defective vision should produce eye fitness certificate from qualified eye specialist.

(D) KNOWLEDGE IN TAMIL

Applicants should possess adequate knowledge in Tamil on the date of this Notification. (For details refer para 11 of the Commission’s “Instructions to Applicants”)

12. GENERAL INFORMATION

1. The rule of reservation of appointments is applicable to this recruitment
2. In G.O.Ms.No.145, Personnel and Administrative Reforms(S) Department dated 30.09.2010 and G.O.Ms.No.40, Personnel and Administrative Reforms(S) Department dated 30.04.2014, the Government have issued orders to fill up 20% of vacancies in direct recruitment on preferential basis to Persons who studied the prescribed qualification in Tamil Medium. The 20% reservation of vacancies on preferential allotment to Persons Studied in Tamil Medium (PSTM) will apply for this recruitment. (Applicants claiming this reservation should have studied the prescribed qualification for the post in Tamil Medium and should have the certificate for the same. Having written the examinations in Tamil language alone will not qualify for claiming this reservation). If the Applicants with PSTM certificate are not available for selection for appointment against reserved turn, such turn shall be filled



WEB COPY



W.A.No.590 of 2023 etc. batch

up by eligible non-PSTM Applicants but belonging to the respective communal category. The PSTM certificate shall be produced in prescribed format / proforma available in the Commission's website at "www.tnpsc.gov.in" which shall be obtained from the Head of the Institution.

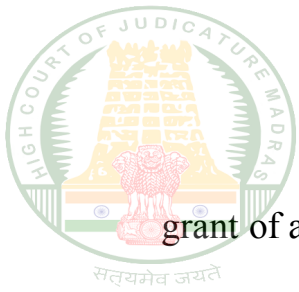
(For further details refer para 27(XIX) of "Instructions to Applicants").

.....

15. SUBMISSION OF DOCUMENTS

The candidates must send copies of all the required documents mentioned in Annexure-IV of the notification along with print out of online application, either by post or in person on or before 25.03.2018. The name of the post, Notification No. and the Notification date should be mentioned clearly on the envelope. If the required certificates are not received in time, the online application will be summarily rejected without any further notice."

60. The Government orders viz., G.O.Ms.No.123 Transport Department dated 01.02.1984, G.O.Ms.No.59 Transport Department dated 27.06.2002 and G.O.Ms.No. 69 Transport Department dated 10.08.2005, contemplate for approval, period of approval, classification of workshops into major, minor, etc, the terms and conditions to be complied to get the approval of authorized workshops. Clause (5) of G.O.Ms.No.123 also contemplates that the approved workshop must be inspected once in every six months. The Government Order G.O Ms.No.69 dated 10.08.2005 contemplates for consolidation of applications for approval, inspection and grant of approval with prospective effect. However, none of the Government orders speak about renewal. Therefore, we infer that the same conditions that are applicable for



W.A.No.590 of 2023 etc. batch

grant of approval would also be applicable for grant of renewal.

WEB COPY

61. A perusal of clause 6B of the notification reveals that the candidates must be qualified with a Diploma in Automobile or Mechanical Engineering, have experience for one year in petrol and diesel fitted vehicles and the workshop should undertake repairs of the Light motor vehicle, Heavy Goods and Heavy Passenger Motor vehicle. The experience must have been gained after the educational qualification and the candidates must have experience in driving Heavy Motor Vehicle after getting the driving licence. All the above qualifications are necessary for the candidates to be eligible to apply and they must be eligible on the date of the notification. It will be useful to refer to the observations of the Hon'ble Apex Court rendered in the following judgments on the cut-off date of eligibility:

(i) ***Ashok Kumar Sharma v. Chander Shekhar [(1997) 4 SCC 18 : 1997***

SCC (L&S)]:

“6. The review petitions came up for final hearing on 3-3-1997. We heard the learned counsel for the review petitioners, for the State of Jammu & Kashmir and for the 33 respondents. So far as the first issue referred to in our Order dated 1-9-1995 is concerned, we are of the respectful opinion that majority judgment (rendered by Dr T.K. Thommen and V. Ramaswami, JJ.) is unsustainable in law. The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority



WEB COPY

issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis. Their applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority judgment. This is also the proposition affirmed in *Rekha Chaturvedi v. University of Rajasthan* [1993 Supp (3) SCC 168 : 1993 SCC (L&S) 951 : (1993) 25 ATC 234] . The reasoning in the majority opinion that by allowing the 33 respondents to appear for the interview, the recruiting authority was able to get the best talent available and that such course was in furtherance of public interest is, with respect, an impermissible justification. It is, in our considered opinion, a clear error of law and an error apparent on the face of the record. In our opinion, R.M. Sahai, J. (and the Division Bench of the High Court) was right in holding that the 33 respondents could not have been allowed to appear for the interview.”

(ii) *Divya v. Union of India and others* [2023 SCC OnLine SC 1305]:

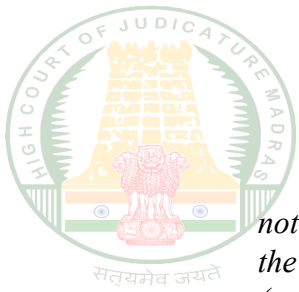
“50. It is also very well settled that if there are relevant rules which prescribe the date on which the eligibility should be possessed, those rules will prevail. In the absence of rules or any other date prescribed in the prospectus/advertisement for determining the eligibility, there is a judicial chorus holding that it would be the last date for submission of the application. (See *Rekha Chaturvedi v. University of Rajasthan* [1993 Supp (3) SCC 168]; *Bhupinderpal Singh v. State of Punjab* [(2000) 5 SCC 262]; *Ashok Kumar Sonkar v. Union of India* [(2007) 4 SCC 54].

...

55. In this case, rules clearly exist in the form of CSE-2022. It has also been settled that determination of eligibility cannot be left uncertain till the final stages of selection, since that would lead to uncertainty. [See *A.P. Public Service Commission v. B. Sarat Chandra* (1990) 2 SCC 669, para 7] Further, it is well settled that if rules prescribe the last date on which eligibility should be possessed, any relaxation would prejudice non-applicants who for want of possession of eligibility would not have applied. Relaxation would then be selective, leading to discrimination [See *Yogesh Kumar* (supra)]

....

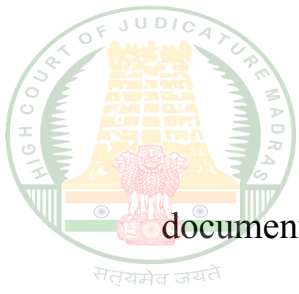
61. Be that as it may, we are bound by the judgment of the three-Judge Bench in *Ashok Kumar Sharma* (supra) and we follow the said judgment and reiterate the principle laid down thereon. It is also interesting to



W.A.No.590 of 2023 etc. batch

note that even in Deepak Yadav (supra), a judgment, strongly relied upon by the learned counsel for the petitioners, the principle in Ashok Kumar Sharma (supra) has been reiterated. However, because of what the Court called an abnormal and cataclysmal year, an exception was made due to the ongoing pandemic, lockdown and restrictions imposed thereof. In Alok Kumar Singh (supra), no rules like the ones present in this case are shown to have existed. In the present case, there are clear prescriptions as to eligibility, as has been discussed herein above.”

62. It is not in dispute that the workshops that have issued the certificate were approved workshops in the first place or had valid approval on the date of application. The issue is the period of eclipse when the renewal application was pending to be processed and later positively considered, but with prospective effect. This court is of the view that the actual period, be it 2011-12 or 2012-13, upto which retrospective renewal was accorded, does not matter, as because the issue is to be decided is not the period, but whether such policy is rational, arbitrary or not. Therefore, this court, considering the findings in paras 16 and 33 to 36 of the order impugned herein, deems it fit to take into consideration the later period 2012-13 as relevant period, for the purpose of approval. It is pertinent to mention here that it is not in dispute that prior to 2012-2013, the Director had approved the workshops with retrospective effect. The Learned Additional Advocate General appearing for the State has contended that after 2012-2013, the Government took a policy decision not to renew the approvals with retrospective effect. If there was a policy decision not to renew the approvals with retrospective effect after 2012-2013, then, there must be policy decision to permit it prior to 2012-2013. In the present case, no

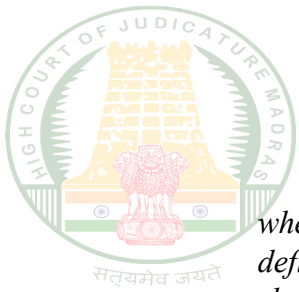


W.A.No.590 of 2023 etc. batch

documents have been produced by the State to sustain their claim that there was a policy decision to permit retrospective renewal after the 2005 Government order and no document to show that a decision was in fact taken by the State to stop such practice after 2012-2013. The Government orders prior to 2005 also do not speak about the effective date of the renewal.

63. Be it noted, an administrative authority is not competent to take any policy decisions. Policy decisions are actually within the domain of the State. They are reflected in the form of substantive laws, rules, regulations and Executive Orders of the State and implemented by the officials in the administration. Such policy decisions are backed by some reasons and rationale. They cannot be left to the whims and fancies of the authorities. In the present case, there seems to be no policy decision whatsoever for grant of retrospective approval or for the denial of it. Rather, the decision has been taken by the Director at his discretion, which according to us, is arbitrary and discriminatory. In this connection, it will be useful to refer to the judgment of the Apex Court in ***S.G. Jaisinghani v. Union of India* [1967 SCC OnLine SC 6 : (1967) 2 SCR 703 : (1967) 2 SCJ 102 : (1967) 65 ITR 34 : AIR 1967 SC 1427]**, wherein it was held as follows:

“4.In this context it is important to emphasize that the absence of arbitrary power is the first essential of the rule of law upon which our whole constitutional system is based. In a system governed by rule of law, discretion,



WEB COPY

*when conferred upon executive authorities, must be confined within clearly defined limits. The rule of law from this point of view means that decisions should be made by the application of known principles and rules and, in general, such decisions should be predictable and the citizen should now where he is. If a decision is taken without any principle or without any rule it is unpredictable and such a decision is the antithesis of a decision taken in accordance with the Rule of law. (See Dicey — Law of the Constitution — 10th Edn., Introduction ex). “Law has reached its finest moments,” stated Douglas, J. in *United States v. Wunderuck* [342 US 98], “when it has freed man from the unlimited discretion of some ruler.... Where discretion, is absolute, man has always suffered”. It is in this sense that the rule of law may be said to be the sworn enemy of caprice. Discretion, as Lord Mansfield slated it in classic terms in the case of *John Wilkes* [(1770) 4 Burr 2528 at 2539], “means sound discretion guided by law. It must be governed by Rule, not by humour : it must not be arbitrary, vague, and fanciful”.”*

64. Equity is a facet of rule of law and arbitrariness is anathema to it.

Unequal treatment of equals and equal treatment of Unequal violates Article 14, as such treatment would amount to being both discriminative and arbitrary.

Every discriminative action, unless backed by some reason, is arbitrary. The discriminative action may be direct or indirect. A direct discriminative action would stem from some positive act or intent, whereas an indirect discriminative action, if results in the breach of equality, even without intent, would still violate Article 14 of the Constitution of India. The Principles of equality, the right against discrimination and arbitrariness are fundamental guarantees offered by our Constitution under Articles 14, 15 and 16. In indirect discrimination, it is not necessary, the act must stem out of a law, it can also be by practice or some criterion, which when followed, results in putting the affected to a disadvantageous position, without there being any legitimate reason. While the

classified action in violating the doctrine of equality can be termed as being



discriminative, unclassified action is also affected by the concept of being unreasonable, which also is encompassed within the Doctrine of Arbitrariness.

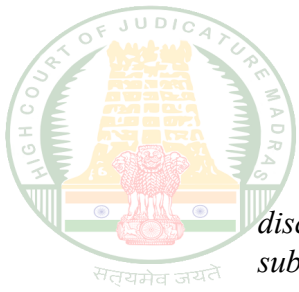
The Hon'ble Apex Court in the Judgment in ***Nitisha v. Union of India [(2021) 15 SCC 125]***, after analyzing the concept of systemic discrimination, held that either form of discrimination is illegal and the Constitution courts must be guardians of the principle of equality. The relevant passage of the said judgment is usefully extracted below:

“F. Systemic discrimination

46. At its heart, this case presents this Court with the opportunity to choose one of two competing visions of the anti-discrimination guarantee embodied in Articles 14 and 15(1) of the Constitution : formal versus substantive equality. The formal conception of anti-discrimination law is captured well by Anatole France's observation: “The law, in its majestic equality, prohibits the rich and the poor alike from sleeping under bridges, begging in the streets and stealing bread.” [Anatole France, The Red Lily (1898).]

47. Under the formal and symmetric conception of anti-discrimination law, all that the law requires is that likes be treated alike. Equality, under this conception, has no substantive underpinnings. It is premised on the notion that fairness demands consistency in treatment. [Sandra Fredman, Discrimination Law (Oxford University Press, 2nd Edn.) 2011 at p. 8 (“Sandra Fredman, Discrimination Law”)] Under this analysis, the fact that some protected groups are disproportionately and adversely impacted by the operation of the law concerned or its practice, makes no difference. An apt illustration of this phenomenon would be the United States' Supreme Court's judgment in Washington v. Davis [Washington v. Davis, 1976 SCC OnLine US SC 105 : 48 L Ed 2d 597 : 426 US 229 (1976)], which held that a facially neutral qualifying test was not violative of the equal protection guarantee contained in the 14th Amendment of the American Constitution merely because African-Americans disproportionately failed the test.

48. On the other hand, under a substantive approach, the anti-



WEB COPY

discrimination guarantee pursues more ambitious objectives. The model of substantive equality developed by Professor Sandra Fredman views the aim of anti-discrimination law as being to pursue 4 overlapping objectives. She states as follows:

“First, it aims to break the cycle of disadvantage associated with status or out-groups. This reflects the redistributive dimension of equality. Secondly, it aims to promote respect for dignity and worth, thereby redressing stigma, stereotyping, humiliation, and violence because of membership of an identity group. This reflects a recognition dimension. Thirdly, it should not exact conformity as a price of equality. Instead, it should accommodate difference and aim to achieve structural change. This captures the transformative dimension. Finally, substantive equality should facilitate full participation in society, both socially and politically. This is the participative dimension.”

[Sandra Fredman, Discrimination Law, p. 24]

Recognising that certain groups have been subjected to patterns of discrimination and marginalisation, this conception provides that the attainment of factual equality is possible only if we account for these ground realities. This conception eschews the uncritical adoption of laws and practices that appear neutral but in fact help to validate and perpetuate an unjust status quo.

49. Indirect discrimination is closely tied to the substantive conception of equality outlined above. The doctrine of substantive equality and anti-stereotyping has been a critical evolution of the Indian constitutional jurisprudence on Articles 14 and 15(1). The spirit of these tenets have been endorsed in a consistent line of authority by this Court. To illustrate, in Anuj Garg v. Hotel Assn. of India [Anuj Garg v. Hotel Assn. of India, (2008) 3 SCC 1], this Court held that laws premised on sex-based stereotypes are constitutionally impermissible, in that they are outmoded in content and stifling in means. The Court further held that no law that ends up perpetuating the oppression of women could pass scrutiny. Barriers that prevent women from enjoying full and equal citizenship, it was held, must be dismantled, as opposed to being cited to validate an unjust status quo. In National Legal Services Authority v. Union of India [National Legal Services Authority v. Union of India, (2014) 5 SCC 438], this Court recognised how the patterns of discrimination and disadvantage faced by the transgender community and enumerated a series of remedial measures that can be taken for their empowerment. In Jeeja Ghosh v. Union of India [Jeeja Ghosh v. Union of India, (2016) 7 SCC 761 : (2016) 3 SCC (Civ) 551] and Vikash Kumar v. UPSC [Vikash Kumar v. UPSC, (2021) 5 SCC 370 : (2021) 2 SCC (L&S) 1] this Court recognised reasonable accommodation as a substantive equality facilitator.



WEB COPY

50. *The jurisprudence relating to indirect discrimination in India is still at a nascent stage. Having said that, indirect discrimination has found its place in the jurisprudence of this Court in Navtej Singh Johar v. Union of India [Navtej Singh Johar v. Union of India, (2018) 10 SCC 1, paras 442-446 : (2019) 1 SCC (Cri) 1], where one of us (Chandrachud, J.), in holding Section 377 of the Penal Code, 1860 as unconstitutional insofar as it decriminalises homosexual intercourse amongst consenting adults, drew on the doctrine of indirect discrimination. This was in arriving at the conclusion that this facially neutral provision disproportionately affected members of the LGBT community. This reliance was in affirmation of the decision of the Delhi High Court in Naz Foundation v. State (NCT of Delhi), 2009 SCC OnLine Del 1762 : (2009) 111 DRJ 1] which had relied on the “Declaration of Principles of Equality” issued by the Equal Rights Trust Act, in 2008 in recognising that indirect discrimination occurs*

“when a provision, criterion or practice would put persons having a status or a characteristic associated with one or more prohibited grounds at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.” [Id, para 93.]

Similarly, this Court has recognised the fashion in which discrimination operates by dint of “structures of oppression and domination” which prevent certain groups from enjoying the full panoply of entitlements. [Young Lawyers Assn. (Sabarimala Temple-5J.) v. State of Kerala, (2019) 11 SCC 1, (Chandrachud, J., concurring opinion, para 420); Joseph Shine v. Union of India, (2019) 3 SCC 39 : (2019) 2 SCC (Cri) 84, (Chandrachud, J., concurring opinion, paras 113-114) (“Joseph Shine”)] The focus in anti-discrimination enquiry, has switched from looking at the intentions or motive of the discriminator to examining whether a rule, formally or substantively, “contributes to the subordination of a disadvantaged group of individuals” [Joseph Shine v. Union of India, (2019) 3 SCC 39 : (2019) 2 SCC (Cri) 84] .

..

52. *We must clarify here that the use of the term “indirect discrimination” is not to refer to discrimination which is remote, but is, instead, as real as any other form of discrimination. Indirect discrimination is caused by facially neutral criteria by not taking into consideration the underlying effects of a provision, practice or a criterion [Interchangeably referred as “PCP”].*

...

54. *In evaluating direct and indirect discrimination, it is important to underscore that these tests, when applied in strict disjunction from one*



WEB COPY

another, may end up producing narrow conceptions of equality which may not account for systemic flaws that embody discrimination. Therefore, we will conclude this section with an understanding of a systemic frame of analysis, in order to adequately redress the full extent of harm that certain groups suffer, merely on account of them possessing characteristics that are prohibited axes of discrimination.

....

57. Thus, as long as a court's focus is on the mental state underlying the impugned action that is allegedly discriminatory, we are in the territory of direct discrimination. However, when the focus switches to the effects of the action concerned, we enter the territory of indirect discrimination. An enquiry as to indirect discrimination looks, not at the form of the impugned conduct, but at its consequences. In a case of direct discrimination, the judicial enquiry is confined to the act or conduct at issue, abstracted from the social setting or background fact situation in which the act or conduct takes place. In indirect discrimination, on the other hand, the subject-matter of the enquiry is the institutional or societal framework within which the impugned conduct occurs. The doctrine seeks to broaden the scope of anti-discrimination law to equip the law to remedy patterns of discrimination that are not as easily discernible.

.....

F.6. Evolving an analytical framework for indirect discrimination in India

70. A study of the above cases and scholarly works gives rise to the following key learnings. First, the doctrine of indirect discrimination is founded on the compelling insight that discrimination can often be a function, not of conscious design or malicious intent, but unconscious/implicit biases or an inability to recognise how existing structures/institutions, and ways of doing things, have the consequence of freezing an unjust status quo. In order to achieve substantive equality prescribed under the Constitution, indirect discrimination, even sans discriminatory intent, must be prohibited.

71. Second, and as a related point, the distinction between direct and indirect discrimination can broadly be drawn on the basis of the former being predicated on intent, while the latter is based on effect (US, South Africa, Canada). Alternatively, it can be based on the fact that the former cannot be justified, while the latter can (UK). We are of the considered view that the intention effects distinction is a sound jurisprudential basis on which to distinguish direct from indirect discrimination. This is for the reason that the most compelling feature of indirect discrimination, in our view, is the fact that it prohibits conduct, which though not intended to be discriminatory, has that effect. As the Canadian Supreme Court put it in *Ontario HRC [Ontario Human Rights Commission v. Simpsons Sears Ltd., 1985 SCC OnLine Can SC 75 : (1985) 2 SCR 536]*, requiring proof of intention to establish discrimination puts an “insuperable barrier in the way of a complainant



WEB COPY

seeking a remedy". [Ontario Human Rights Commission v. Simpsons Sears Ltd., 1985 SCC OnLine Can SC 75, para 14 : (1985) 2 SCR 536, para 14] It is this barrier that a robust conception of indirect discrimination can enable us to counteract.

72.Third, on the nature of evidence required to prove indirect discrimination, statistical evidence that can establish how the impugned provision, criteria or practice is the cause for the disproportionately disadvantageous outcome can be one of the ways to establish the play of indirect discrimination. As Professor Sandra Fredmannotes: "Aptitude tests, interview and selection processes, and other apparently scientific and neutral measures might never invite scrutiny unless data is available to dislodge these assumptions." [Sandra Fredman, Discrimination Law at p. 187] Consistent with the Canadian Supreme Court's approach in Fraser [Joanne Fraser v. Attorney General of Canada, 2020 SCC 28 (Can SC)] , we do not think that it would be wise to lay down any quantitative thresholds for the nature of statistical disparity that must be established for a claimant to succeed. Equally, we do not think that an absolutist position can be adopted as to the nature of evidence that must be brought forth to succeed in a case of indirect discrimination. The absence of any statistical evidence or inability to statistically demonstrate exclusion cannot be the sole ground for debunking claims of indirect discrimination. This was clarified by the European Court of Human Rights in a case concerning fifteen Croatians of Roma origin claiming racial discrimination and segregation in schools with Roma-only classes. In assessing the claims of the fifteen Croatians, the court observed that indirect discrimination can be proved without statistical evidence [Orsus v. Croatia, 2010 ECHR 337, para 153]. Therefore, statistical evidence demonstrating patterns of exclusion, can be one of the ways to prove indirect discrimination.

73.Fourth, insofar as the fashion in which the indirect discrimination enquiry must be conducted, we think that the two-stage test laid down by the Canadian Supreme Court in Fraser [Joanne Fraser v. Attorney General of Canada, 2020 SCC 28 (Can SC)] offers a well-structured framework of analysis as it accounts for both the disproportionate impact of the impugned provision, criteria or practice on the relevant group, as well as the harm caused by such impact. It foregrounds an examination of the ills that indirect discrimination seeks to remedy.

74.Fifth and finally, while assessing the justifiability of measures that are alleged to have the effect of indirect discrimination, the Court needs to return a finding on whether the narrow provision, criteria or practice is necessary for successful job performance. In this regard, some amount of deference to the employer/defendant's view is warranted. Equally, the Court must resist the temptation to accept generalisations by defendants under the garb of deference and must closely scrutinise the proffered justification. Further, the Court must also examine if it is possible to substitute the



WEB COPY

measures with less discriminatory alternatives. Only by exercising such close scrutiny and exhibiting attentiveness to the possibility of alternatives can a court ensure that the full potential of the doctrine of indirect discrimination is realised and not lost in its application. [Sandra Fredman, *Discrimination Law* at p. 194]

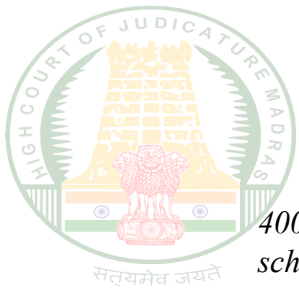
F.7. Systemic discrimination as antithetical to substantive equality

75. As noted in the analysis above, the emphasis on intent alone as the key to unlocking discrimination has resulted in several practices, under the veneer of objectivity and “equal” application to all persons, to fall through the cracks of our equality jurisprudence. Indirect discrimination as a tool of jurisprudential analysis, can result in the redressal of several inequities by probing provisions, criteria or practice that have a disproportionate and adverse impact on members of groups who belong to groups that are constitutionally protected from discrimination under Article 15(1). However, it needs to be emphasised that a strict emphasis on using only one of the two tools (between direct and indirect discrimination) to establish and redress discrimination may often result in patterns and structures of discrimination remaining unaddressed.

76. In order to conceptualise substantive equality, it would be apposite to conduct a systemic analysis of discrimination that combines tools of direct and indirect discrimination. In the words of Professor Marie Mercat-Bruns [Marie Mercat-Bruns, “Systemic discrimination : Rethinking the Tools of Gender Equality”, *European Equality Law Review*, Vol. 2 (European Commission, 2018) at pp. 5-6] :

“Systemic discrimination posits the need to conceptualise discrimination in terms of workplace dynamics rather than solely in existing terms of an identifiable actor's isolated state of mind, a victim's perception of his or her own work environment, or the job-relatedness of a neutral employment practice with adverse consequences. Systemic discrimination derives from how organisations, as structures discriminate.”

77. A particular discriminatory practice or provision might often be insufficient to expose the entire gamut of discrimination that a particular structure may perpetuate. Exclusive reliance on tools of direct or indirect discrimination may also not effectively account for patterns arising out of multiple axes of discrimination. Therefore, a systemic view of discrimination, in perceiving discriminatory disadvantage as a continuum, would account for not just unjust action but also inaction [Id. at pp. 10-13] . Structures, in the form of organisations or otherwise, would be probed for the systems or cultures they produce that influence day-to-day interaction and decision-making. [Tristin K. Green, “The Future of Systemic Disparate Treatment Law”, *Berkeley Journal of Employment and Labour Law*, Vol. 32(2), 2011,



W.A.No.590 of 2023 etc. batch

WEB COPY

400-454] *The duty of constitutional courts, when confronted with such a scheme of things, would not just be to strike down the discriminatory practices and compensate for the harm hitherto arising out of them; but also structure adequate reliefs and remedies that facilitate social redistribution by providing for positive entitlements that aim to negate the scope of future harm.*”

65. It will also be useful to refer to the Judgment of the Apex Court in

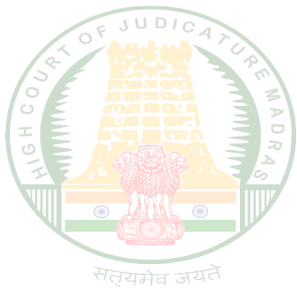
S.G. Jaisinghani v. Union of India [1967 SCC OnLine SC 6 : (1967) 2 SCR

703 : (1967) 2 SCJ 102 : (1967) 65 ITR 34 : AIR 1967 SC 1427], wherein the

Constitutional Bench while emphasizing that the doctrine of equality is applicable to pre-employment as well as post-employment stages, held as follows:

“9. The relevant law on the subject is well-settled. Under Article 16 of the Constitution, there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State or to promotion from one office to a higher office thereunder. Article 16 of the Constitution is only an incident of the application of the concept of equality enshrined in Article 14 thereof. It gives effect to the doctrine of equality in the matter of appointment and promotion. It follows that there can be reasonable classification of the employees for the purpose of appointment or promotion. The concept of equality in the matter of promotion can be predicated only when the promotees are drawn from the same source. If the preferential treatment of one source in relation to the other is based on the differences between the said two sources, and the said differences have a reasonable relation to the nature of the office or offices to which recruitment is made, the said recruitment can legitimately be sustained on the basis of a valid classification. Dealing with the extent of protection of Article 16(1) of the Constitution, this Court observed in General Manager, Southern Railway v. Rangachari [1962 (2) SCR 586, 596-98] .

“It would be clear that matters relating to employment cannot be confined only to the initial matters prior to the act of employment. The narrow construction would confine the application of Article 16(1) to the initial employment and nothing else; but that clearly is only one of the matters relating to employment. The other matters relating to employment would inevitably be the provision as to the salary and periodical increments therein, terms as to



WEB COPY



W.A.No.590 of 2023 etc. batch

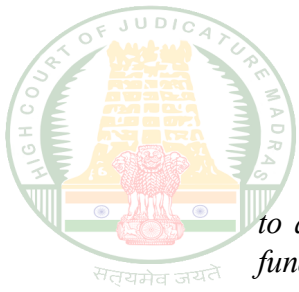
leave, as to gratuity, as to pension and as to the age of superannuation. These are all matters relating to employment and they are, and must be, deemed to be included in the expression 'matters relating to employment' in Article 16(1). What Article 16(1) guarantees is equality of opportunity to all citizens in respect of all the matters relating to employment illustrated by us as well as to an appointment to any office as explained by us. The three provisions Article 16(1), Article 14 and Article 15(1) form part of the same constitutional code of guarantees and supplement each other. If that be so, there would be no difficulty in holding that the matters relating to employment must include all matters in relation to employment both prior, and subsequent, to the employment which are incidental to the employment and form part of the terms and conditions of such employment."

This Court further observed in that case:

"Article 16(2) prohibits, discrimination and thus assures the effective enforcement of the fundamental right of equality of opportunity guaranteed by Article 16(1). The words, in respect of any employment used in Article 16(2) must, therefore, include all matters relating to employment as specified in Article 16(1). Therefore, we are satisfied that promotion to selection posts is included both under Article 16(1) and (2)."

66. It is not to be forgotten that when an administrative or executive action is arbitrary and without any legal backing in the form of a policy decision, the same can only be held to be *mala fide* exercise of power. In this context, it will be useful to refer to the judgment of the Hon'ble Apex Court in ***E.P.Royappa v. State of T.N. [(1974) 4 SCC 3 : 1974 SCC (L&S) 165]*** in which, it was held as follows:

"85. The last two grounds of challenge may be taken up together for consideration. Though we have formulated the third ground of challenge as a distinct and separate ground, it is really in substance and effect merely an aspect of the second ground based on violation of Articles 14 and 16. Article 16 embodies the fundamental guarantee that there shall be equality of opportunity for all citizens in matters relating to employment or appointment



WEB COPY

to any office under the State. Though enacted as a distinct and independent fundamental right because of its great importance as a principle ensuring equality of opportunity in public employment which is so vital to the building up of the new classless egalitarian society envisaged in the Constitution, Article 16 is only an instance of the application of the concept of equality enshrined in Article 14. In other words, Article 14 is the genus while Article 16 is a species. Article 16 gives effect to the doctrine of equality in all matters relating to public employment. The basic principle which, therefore, informs both Articles 14 and 16 is equality and inhibition against discrimination. Now, what is the content and reach of this great equalising principle? It is a founding faith, to use the words of Bose. J., “a way of life”, and it must not be subjected to a narrow pedantic or lexicographic approach. We cannot countenance any attempt to truncate its all-embracing scope and meaning, for to do so would be to violate its activist magnitude. Equality is a dynamic concept with many aspects and dimensions and it cannot be “cribbed, cabined and confined” within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it effects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similarly situate and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive inducing from the antechamber of the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Articles 14 and 16. Mala fide exercise of power and arbitrariness are different lethal radiations emanating from the same vice: in fact the latter comprehends the former. Both are inhibited by Articles 14 and 16.”

67. In the present case, we have already seen that the renewal has been handled at the discretion of the authorities and without any policy, by giving retrospective effect to certain workshops and denied such effect to others without any valid reason. There is no reason whatsoever to deny such effect after 2011 or after 2012-2013. It is a clear case of arbitrary exercise of power. It



W.A.No.590 of 2023 etc. batch

is to be noted that the delay in processing the applications and communicating the renewal cannot be attributed to the owners. It is important to mention here that the appropriate officer must have been inspected the workshops atleast once in six months. If that had been the case and if it had been found that the workshops had no approval, the same must have reflected with specific details in the website. The State has all along listed the workshops as approved, cannot now turnback and throw a fetter that the renewal was given only prospective effect to certain workshops, who had issued the experience certificate to the applicants.

68. The stand of the Government ought to be rejected also for the reason that two candidates who are otherwise equally placed may be subject to differential treatment. The following illustration may be relevant:

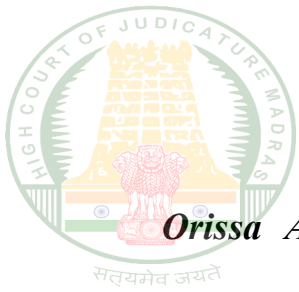
68.1. Candidates A and B are equally placed. Candidate A obtains an experience certificate from workshop A which had filed its renewal application on 01.01.2014 and candidate B obtains an experience certificate from workshop B which had filed its renewal application on 01.01.2014. However, the renewal certificate of candidate A of workshop A is issued within the cut off date while the renewal certificate is issued to workshop B after the cut off date. As a result, while candidate A would pass the muster insofar as the experience



W.A.No.590 of 2023 etc. batch

certificate is concerned, candidate B would be rejected for want of valid experience certificate. Thus, the candidates' right is made to depend on the act

of the officers granting renewal and any delay on the part of the authorities granting renewal would adversely impact the right of the candidates. The arbitrariness is manifest, if one bears in mind that the candidate nor the workshop has any control over, when the renewal certificates would be issued by the authorities concerned. In this regard, it may be relevant to refer to the judgment of the Hon'ble Supreme Court in ***Tamil Nadu Electricity Board and another v. Status Spinning Mills Ltd and another [AIR 2008 SC 2838]*** wherein while dealing with a benefit being conferred on the basis of the date on which the electricity connection was provided, it was held that such benefit is then made to depend on the act of the Electricity Department, which would result in discrimination. Yet another reason why we would think that the above contention cannot be sustained is, in view of the fact that delay, if any, in grant of renewal of the certificate / license is by the statutory authorities and any delay on their part cannot be a reason for the State to reject the right to employment of a candidate. It is trite law that State nor any authority cannot be permitted to take advantage of its own wrong [Refer : ***M.K.Shah Engineers & Contractors v. State of M.P., (1999) 2 SCC 594 : 1999 SCC OnLine SC 123; State of Gujarat and others v. Talsibhai Dhanjibhai Patel, (2022) 206 PLR 482; and***



W.A.No.590 of 2023 etc. batch

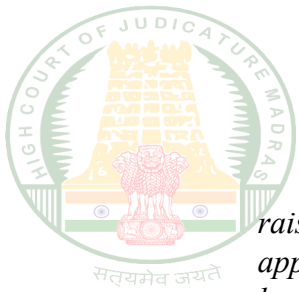
Orissa Administrative Tribunal Bar Association v. Union of India and

others, 2023 SCC OnLine SC 309]. Therefore, we hold the contentions of the

State and the reasoning of the Learned Judge to be not acceptable.

69. Further, it is not the case of the State that no Government vehicles were attended during the period of eclipse, when the approval was not in force. Rather, it has been categorically contended that such repair is not valid. We do not agree with such contention. The State in line with the Government orders, must have inspected the workshops and if there was no approval, must have, not only removed the name from the list, but also intimated to various departments to refrain from sending the vehicles for repair. It is also not the case of the State that departmental action has been taken against the officials, who have sent the vehicles for repair in unapproved workshops. The State cannot benefit from their own mistake. In this regard, it will be useful to refer to the judgment in ***Godrej & Boyce Mfg. Co. Ltd. v. State of Maharashtra [(2014) 3 SCC 430 : 2014 SCC OnLine SC 83]***, wherein the Apex Court has summarised the effect of the failure of the State in taking timely action while deciding on the subsequent State action on developments in an area notified as “Forests” and held as follows:

“71. It is difficult at this distant point of time to conclude, one way or the other, whether there was or was not any collusion (as alleged) or whether it was simply a case of poor governance by the State. The fact remains that possession of the disputed land was not taken over or attempted to be taken over for decades and the issue was never raised when it should have been. To



WEB COPY

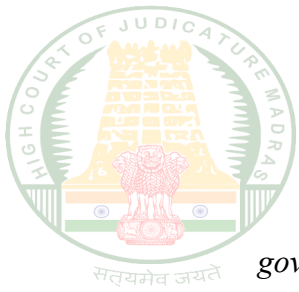
raise it now after a lapse of so many decades is unfair to Godrej, the other appellants, the institutions, the State and the residents of the tenements that have been constructed in the meanwhile.

.....

83. Looking at the issue from the point of view of the citizen and not only from the point of view of the State or a well-meaning pressure group, it does appear that even though the basic principle is that the buyer should beware and therefore if the appellants and the purchasers of tenements or commercial establishments from the appellants ought to bear the consequences of unauthorised construction, the well-settled principle of caveat emptor would be applicable in normal circumstances and not in extraordinary circumstances as these appeals present, when a citizen is effectively led up the garden path for several decades by the State itself. The present appeals do not relate to a stray or a few instances of unauthorised constructions and, therefore, fall in a class of their own. In a case such as the present, if a citizen cannot trust the State which has given statutory permissions and provided municipal facilities, whom should he or she trust?

84. Assuming the disputed land was a private forest, the State remained completely inactive when construction was going on over acres and acres of land and of a very large number of buildings thereon and for a few decades. The State permitted the construction through the development plans and by granting exemption under the Urban Land (Ceiling and Regulation) Act, 1976 and providing necessary infrastructure such as roads and sanitation on the disputed land and the surrounding area. When such a large-scale activity involving the State is being carried on over vast stretches of land exceeding a hundred acres, it is natural for a reasonable citizen to assume that whatever actions are being taken are in accordance with law otherwise the State would certainly step in to prevent such a massive and prolonged breach of the law. The silence of the State in all the appeals before us led the appellants and a large number of citizens to believe that there was no patent illegality in the constructions on the disputed land nor was there any legal risk in investing on the disputed land. Under these circumstances, for the State or Bombay Environment Action Group to contend that only the citizen must bear the consequences of the unauthorised construction may not be appropriate. It is the complete inaction of the State, rather its active consent that has resulted in several citizens being placed in a precarious position where they are now told that their investment is actually in unauthorised constructions which are liable to be demolished any time even after several decades. There is no reason why these citizens should be the only victims of such a fate and the State be held not responsible for this state of affairs; nor is there any reason why under such circumstances this Court should not come to the aid of victims of the culpable failure of the State to implement and enforce the law for several decades.

...



W.A.No.590 of 2023 etc. batch

86. These appeals raise larger issues of good administration and governance and the State has, regrettably, come out in poor light in this regard. It is not necessary for us to say anything more on the subject except to conclude that even if the State were to succeed on the legal issues before us, there is no way, on the facts and circumstances of these appeals, that it can reasonably put the clock back and ensure that none of the persons concerned in these appeals is prejudiced in any manner whatsoever."

70. As far as the *locus* of the applicants to question the discrimination in treatment of workshops is concerned, we do not agree that it is only the owners who can question the discrimination or arbitrary action. We are of the view that any person, who is a victim of such unequal treatment is entitled to question the discriminatory action. In the present case, the owners have limited interest as the discrimination has not affected their business or classification as an approved workshop. On the contrary, it is the applicants who are really affected by the discrimination as their right to be considered for employment is defeated (*E.P.Royappa's case, supra*). In fact, the appellants/writ petitioners have not challenged the retrospective renewal granted to many institutions and they have only sought parity in treatment. The Constitutional courts are the guardians of the fundamental rights. When discrimination and arbitrary exercise of power are patently evident, it is the duty of the Constitutional courts to step in and undo the illegality. Passage of time cannot cure or legalise any illegality.

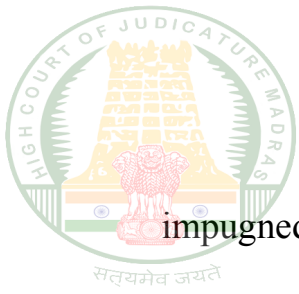
70.1. We are not oblivious to the fact that there cannot be negative



W.A.No.590 of 2023 etc. batch

equality or in other words “parity in treatment of an illegal act or violation”. In the absence of any policy based on some rationale, the principle of intelligible differentia would not be applicable and differential treatment cannot be made. It is open to the State to formulate a policy, in the matter of granting or rejecting retrospective renewal to all by similar treatment, without creating any artificial fetters as to the period. If the retrospective approval is granted to few, then, it must be granted to all or it must never have been granted to any workshop. Therefore, the State is at liberty to take a conscious decision, keeping the principles narrated above and re-consider the rejection of the applications on the ground of non-possession of approval during the period, when experience was gained.

71. As far as the difficulty in identifying the institutions which were granted renewal with retrospective effect, the Learned Judge has refused to go into the details of the approval of each and every workshop and test them as it may not be possible for the court after this length of time. However, it is evident from para 31 of the order impugned herein, that the particulars relating to all the candidates are already available with MVMD as they have conducted re-verification with respect to all 1328 candidates and further re-verification was done with respect to 226 candidates as recorded in para 32 of the order



W.A.No.590 of 2023 etc. batch

impugned herein. It would not be out of place to mention here that the verification of all the candidates was undertaken pursuant to earlier direction of the Learned Judge in Para 44 (a) to (d) of the order dated 24.01.2020, wherein it was recorded that the records are already available. In para 44 (f) of the order, it was specifically directed that the bench mark that is evolved by the MVMD must be equally applied to all without discrimination. Therefore, the Learned Judge ought to have insisted the department to follow a policy which renounces discrimination and promotes equality and transparency.

72. Insofar as the contention raised on the side of the appellants and the writ petitioners that once the candidates were already selected, they cannot be forced to undergo the ordeal of selection again, we are not in agreement with the same, as because, the compliance of the direction would ultimately result in revision of merit list. It is to be noted that the selection list would consist only of the candidates in the ratio of 1:2/1:3. Hence, if the appellants/petitioners are meritorious and ranked above the other candidates at the time of revision, obviously they would find themselves in the select list. In view of the same, the said contention is misplaced.

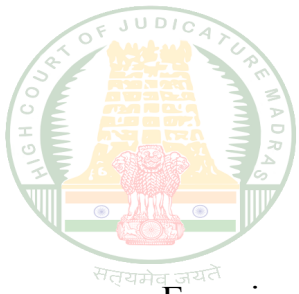
73. Insofar as the contention raised on behalf of the appellants/writ petitioners that the experience certificate cannot be insisted upon, by referring to



W.A.No.590 of 2023 etc. batch

the notification of the Central Government dated 08.03.2019, we do not agree with the same as we are concerned only with the notification dated 14.02.2018 issued by the State Government. In the present case, the notification prescribes an experience of one year, which was also a subject matter of consideration in earlier round of litigation. Possession of requisite experience is a condition of eligibility and production of the same is procedural. Such a condition of eligibility cannot be altered or amended after the selection process has commenced. The rules of game with regard to eligibility cannot be altered after the commencement of the selection process [*see: State of Uttar Pradesh v. Karunesh Kumar and others, 2022 Livelaw (SC) 1035*]. As held by us above, a person must be eligible to apply as on the date of notification. Hence, the said contention is rejected.

74. In respect of claim of the appellant in W.A No.754 of 2023 that he has completed 11 months and 28 days of training with 240 working days and hence his candidature ought to have been accepted, this court is of the opinion that though the rejection of the candidature is harsh, but completion of one year training/experience is a condition of eligibility and as such, the same cannot be relaxed. We have already discussed about the conditions of eligibility in the earlier paragraph. Therefore, the said claim of the appellant is rejected.

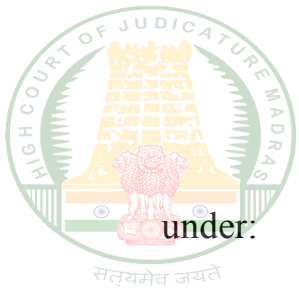


W.A.No.590 of 2023 etc. batch

Experience in Petrol and Diesel Vehicles

75. As far as the experience in handling both petrol and diesel vehicle is concerned, the notification prescribes that the candidates must undertake works in petrol and diesel fitted vehicles. In other words, the candidates must have experience in both petrol and diesel fitted vehicles. It is the case of the appellants / petitioners that one Ilavarasan has been selected in violation of the eligibility conditions and the decision of the Co-ordinate Bench of this Court. Other candidates, who did not possess experience in both the categories of vehicles have been granted the benefit of exemption based on the wrongful selection of Ilavarasan. The Learned Additional Advocate General has submitted that all the selections are subject to the outcome of the appeals and writ petitions before us.

76. As discussed above, there cannot be any parity in an illegal action. Such parity is not envisaged under Article 14 of the Constitution. Also, negative equality would perpetuate the illegality. The eligibility criterion cannot be relaxed unless such right to relax is vested in the notification. The law on this point is well settled. In this connection, it will be useful to refer to the judgment of the Hon'ble Supreme Court in *State of Odisha v. Anup Kumar Senapati* [(2019) 19 SCC 626 : 2019 SCC OnLine SC 1207], wherein it was held as



under:

WEB COPY

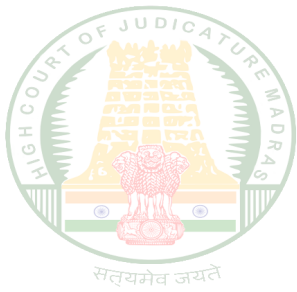
“39. It was lastly submitted that concerning other persons, the orders have been passed by the Tribunal, which was affirmed by the High Court and grants-in-aid have been released under the 1994 Order as such on the ground of parity this Court should not interfere. No doubt, there had been a divergence of opinion on the aforesaid issue. Be that as it may. In our opinion, there is no concept of negative equality under Article 14 of the Constitution. In case the person has a right, he has to be treated equally, but where right is not available a person cannot claim rights to be treated equally as the right does not exist, negative equality when the right does not exist, cannot be claimed.

40. In Basawaraj v. LAO [Basawaraj v. LAO, (2013) 14 SCC 81] , it was held thus : (SCC p. 85, para 8)

“8. It is a settled legal proposition that Article 14 of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated. Equality is a trite, which cannot be claimed in illegality and therefore, cannot be enforced by a citizen or court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order. A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision. Even otherwise, Article 14 cannot be stretched too far for otherwise it would make functioning of administration impossible. (Vide Chandigarh Admn. v. Jagjit Singh (1995) 1 SCC 745], Anand Buttons Ltd. v. State of Haryana (2005) 9 SCC 164], K.K. Bhalla v. State of M.P. (2006) 3 SCC 581] and Fuljit Kaur v. State of Punjab (2010) 11 SCC 455]).”

41. In Chaman Lal v. State of Punjab (2014) 15 SCC 715 : (2015) 3 SCC (L&S) 678], it was observed as under : (SCC pp. 720-21, para 16)

“16. More so, it is also settled legal proposition that Article 14 does not envisage for negative equality. In case a wrong benefit has been conferred upon someone inadvertently or otherwise, it may not be a ground to grant similar relief to



WEB COPY



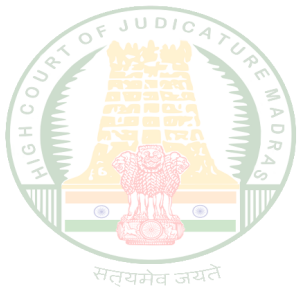
W.A.No.590 of 2023 etc. batch

others. This Court in *Basawaraj v. LAO* [*Basawaraj v. LAO*, (2013) 14 SCC 81] considered this issue and held as under : (SCC p. 85, para 8)

‘8. It is a settled legal proposition that Article 14 of the Constitution is not meant to perpetuate illegality or fraud, even by extending the wrong decisions made in other cases. The said provision does not envisage negative equality but has only a positive aspect. Thus, if some other similarly situated persons have been granted some relief/benefit inadvertently or by mistake, such an order does not confer any legal right on others to get the same relief as well. If a wrong is committed in an earlier case, it cannot be perpetuated. Equality is a trite, which cannot be claimed in illegality and therefore, cannot be enforced by a citizen or court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a similarly wrong order. A wrong order/decision in favour of any particular party does not entitle any other party to claim benefits on the basis of the wrong decision. Even otherwise, Article 14 cannot be stretched too far for otherwise it would make functioning of administration impossible. (Vide *Chandigarh Admn. v. Jagjit Singh* [(1995) 1 SCC 745], *Anand Buttons Ltd. v. State of Haryana* (2005) 9 SCC 164], *K.K. Bhalla v. State of M.P.* [(2006) 3 SCC 581] and *Fuljit Kaur v. State of Punjab* [(2010) 11 SCC 455] .)’ ”

42. In *Fuljit Kaur v. State of Punjab* [(2010) 11 SCC 455], it was observed thus : (SCC p. 462, para 11)

“11. The respondent cannot claim parity with *D.S. Longia v. State of Punjab* [1992 SCC OnLine P&H 1027 : AIR 1993 P&H 54], in view of the settled legal proposition that Article 14 of the Constitution of India does not envisage negative equality. Article 14 is not meant to perpetuate illegality or fraud. Article 14 of the Constitution has a positive concept. Equality is a trite, which cannot be claimed in illegality and therefore, cannot be enforced by a citizen or court in a negative manner. If an illegality and irregularity has been committed in favour of an individual or a group of individuals or a wrong order has been passed by a judicial forum, others cannot invoke the jurisdiction of the higher or superior court for repeating or multiplying the same irregularity or illegality or for passing a wrong order. A wrong order/decision in favour of any



WEB COPY



W.A.No.590 of 2023 etc. batch

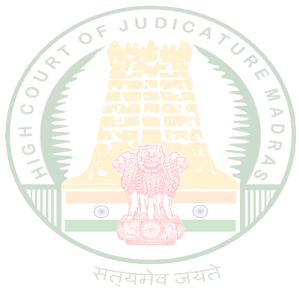
particular party does not entitle any other party to claim the benefits on the basis of the wrong decision. Even otherwise Article 14 cannot be stretched too far otherwise it would make function of the administration impossible. (Vide Coromandel Fertilizers Ltd. v. Union of India [1984 Supp SCC 457: 1984 SCC (Tax) 225], Panchi Devi v. State of Rajasthan [(2009) 2 SCC 589: (2009) 1 SCC (L&S) 408] and Shanti Sports Club v. Union of India [(2009) 15 SCC 705 : (2009) 5 SCC (Civ) 707].)”

43. *In Doiwala Sehkari Shram Samvida Samiti Ltd. v. State of Uttaranchal [(2007) 11 SCC 641], this Court in the context of negative equality observed thus : (SCC pp. 655-56, para 28)*

“28. This Court in Union of India v. International Trading Co. [(2003) 5 SCC 437] has held that two wrongs do not make one right. The appellant cannot claim that since something wrong has been done in another case, directions should be given for doing another wrong. It would not be setting a wrong right but could be perpetuating another wrong and in such matters, there is no discrimination involved. The concept of equal treatment on the logic of Article 14 cannot be pressed into service in such cases. But the concept of equal treatment presupposes existence of similar legal foothold. It does not countenance repetition of a wrong action to bring wrongs on a par. The affected parties have to establish strength of their case on some other basis and not by claiming negative quality. In view of the law laid down by this Court in the above matter, the submission of the appellant has no force. In case, some of the persons have been granted permits wrongly, the appellant cannot claim the benefit of the wrong done by the Government.”

44. *In Bondu Ramaswamy v. BDA [(2010) 7 SCC 129 : (2010) 3 SCC (Civ) 1], this Court observed thus : (SCC p. 194, para 146)*

“146. If the rules/scheme/policy provides for deletion of certain categories of land and if the petitioner falls under those categories, he will be entitled to relief. But if under the rules or scheme or policy for deletion, his land is not eligible for deletion, his land cannot be deleted merely on the ground that some other land similarly situated had been deleted (even though that land also did not fall under any category eligible to be deleted), as that would amount to enforcing negative equality. But where large extents of land of others are indiscriminately and arbitrarily deleted, then the court may grant relief, if on account of such deletions, the development scheme for that area has become inexecutable or has resulted in abandonment of the



scheme.”

WEB COPY

45. *In Kulwinder Pal Singh v. State of Punjab [(2016) 6 SCC 532 : (2016) 2 SCC (L&S) 102]*, this Court while relying upon *State of U.P. v. Rajkumar Sharma [(2006) 3 SCC 330 : 2006 SCC (L&S) 565]*, observed as under: (*Kulwinder Pal Singh case*, SCC pp. 539-40, para 16)

“16. The learned counsel for the appellants contended that when the other candidates were appointed in the post against dereserved category, the same benefit should also be extended to the appellants. Article 14 of the Constitution of India is not to perpetuate illegality and it does not envisage negative equalities. In *State of U.P. v. Rajkumar Sharma [(2006) 3 SCC 330 : 2006 SCC (L&S) 565]* it was held as under : (SCC p. 337, para 15)

“15. Even if in some cases appointments have been made by mistake or wrongly, that does not confer any right on another person. Article 14 of the Constitution does not envisage negative equality, and if the State committed the mistake it cannot be forced to perpetuate the same mistake. (See *Sneh Prabha v. State of U.P. [(1996) 7 SCC 426]*; *Jaipur Development Authority v. Daulat Mal Jain [(1997) 1 SCC 35]*; *State of Haryana v. Ram Kumar Mann [(1997) 3 SCC 321 : 1997 SCC (L&S) 801]*; *Faridabad CT Scan Centre v. D.G. Health Services [(1997) 7 SCC 752]* ; *Jalandhar Improvement Trust v. Sampuran Singh [(1999) 3 SCC 494]*; *State of Punjab v. Rajeev Sarwal [(1999) 9 SCC 240 : 1999 SCC (L&S) 1171]*; *Yogesh Kumar v. State (NCT of Delhi) [(2003) 3 SCC 548 : 2003 SCC (L&S) 346]*; *Union of India v. International Trading Co. [(2003) 5 SCC 437]* and *Kastha Niwarak Grahnirman Sahakari Sanstha Maryadit v. Indore Development Authority [(2006) 2 SCC 604]* .)”

Merely because some persons have been granted benefit illegally or by mistake, it does not confer right upon the appellants to claim equality.”

46. *In Rajasthan State Industrial Development & Investment Corpn. v. Subhash Sindhi Coop. Housing Society [(2013) 5 SCC 427 : (2013) 3 SCC (Civ) 121]*, this Court held as under : (SCC p. 436, para 19)

“19. Even if the lands of other similarly situated persons have been released, the Society must satisfy the Court that it is similarly situated in all respects, and has an independent right to get the land released. Article 14 of the Constitution does not envisage negative equality, and it cannot



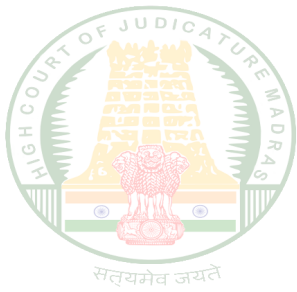
be used to perpetuate any illegality. The doctrine of discrimination based upon the existence of an enforceable right, and Article 14 would hence apply, only when invidious discrimination is meted out to equals, similarly circumstanced without any rational basis, or to relationship that would warrant such discrimination. [Vide Sneh Prabha v. State of U.P. [(1996) 7 SCC 426], Yogesh Kumar v. State (NCT of Delhi) [(2003) 3 SCC 548 : 2003 SCC (L&S) 346], State of W.B. v. Debasish Mukherjee [(2011) 14 SCC 187 : (2012) 2 SCC (L&S) 869] and Priya Gupta v. State of Chhattisgarh [(2012) 7 SCC 433 : (2012) 2 SCC (L&S) 367].]

47. *In Arup Das v. State of Assam [(2012) 5 SCC 559 : (2012) 2 SCC (L&S) 24] , this Court observed as under : (SCC pp. 564-65, para 19)*

“19. In a recent decision rendered by this Court in State of U.P. v. Rajkumar Sharma [(2006) 3 SCC 330 : 2006 SCC (L&S) 565], this Court once again had to consider the question of filling up of vacancies over and above the number of vacancies advertised. Referring to the various decisions rendered on this issue, this Court held that filling up of vacancies over and above the number of vacancies advertised would be violative of the fundamental rights guaranteed under Articles 14 and 16 of the Constitution and that selectees could not claim appointments as a matter of right. It was reiterated that mere inclusion of candidates in the select list does not confer any right to be selected, even if some of the vacancies remained unfilled. This Court went on to observe further that even if in some cases appointments had been made by mistake or wrongly, that did not confer any right of appointment to another person, as Article 14 of the Constitution does not envisage negative equality and if the State had committed a mistake, it cannot be forced to perpetuate the said mistake.”

48. *In State of Orissa v. Mamata Mohanty [(2011) 3 SCC 436 : (2011) 2 SCC (L&S) 83] , it was observed : (SCC p. 458, para 56)*

“56. It is a settled legal proposition that Article 14 is not meant to perpetuate illegality and it does not envisage negative equality. Thus, even if some other similarly situated persons have been granted some benefit inadvertently or by mistake, such order does not confer any legal right on the petitioner to get the same relief. [Vide Chandigarh Admn. v. Jagjit Singh [(1995) 1 SCC 745], Yogesh Kumar v. Govt. (NCT of Delhi) [(2003) 3 SCC 548 : 2003



WEB COPY



W.A.No.590 of 2023 etc. batch

SCC (L&S) 346] , Anand Buttons Ltd. v. State of Haryana [(2005) 9 SCC 164] , K.K. Bhalla v. State of M.P. [(2006) 3 SCC 581] , Krishan Bhatt v. State of J&K [(2008) 9 SCC 24 : (2008) 2 SCC (L&S) 783] , State of Bihar v. Upendra Narayan Singh [(2009) 5 SCC 65 : (2009) 1 SCC (L&S) 1019] and Union of India v. Kartick Chandra Mondal [(2010) 2 SCC 422 : (2010) 1 SCC (L&S) 385] .]”

77. The above legal proposition has been reiterated again in **HAV (OFC) RWMWI Borgoyary v. Union of India [(2020) 15 SCC 546 : 2019 SCC OnLine SC 1564]** in the following paragraph:

“13. The learned counsel for the appellants contended that non-consideration of the appellants for appointment as TEO is vitiated by hostile discrimination as two other persons who were similarly situated were appointed as TEOs and are continuing. It is trite law that the right to equality cannot be claimed in a case where a benefit has been given to a person contrary to law. If a mistake has been committed by the authorities in appointing few persons who were not eligible, a claim cannot be made by other ineligible persons seeking a direction to the authorities to appoint them in violation of the instructions. After referring to several judgments, this Court in State of Odisha v. Anup Kumar Senapati [(2019) 19 SCC 626] held that there is no concept of negative equality under Article 14 of the Constitution of India. The appellants cannot, as a matter of right, claim appointment on the basis of two ineligible persons being given the benefit and no direction can be given to the respondents to perpetuate illegality.”

78. Therefore, the relaxation granted by the Learned Judge is unsustainable. A Co-ordinate bench of this Court in W.A No. 509 of 2020 (Batch) in the earlier round of litigation clearly held that the candidates must possess the experience in both Petrol and Diesel engines. The SLP filed as against that order was also dismissed. The TNPSC in fact ought not to have

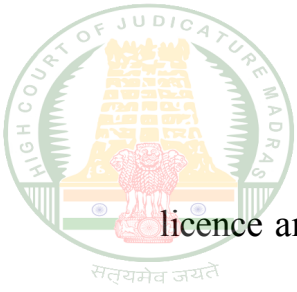


W.A.No.590 of 2023 etc. batch

selected any candidate including Mr. Ilavarasan, if he does not possess the required qualification. The authorities have to redo the process by only selecting the candidates with experience in petrol and diesel engines for oral test. Though it has been contended that the State corporations have done away with Petrol fitted vehicles from 2014 onwards, it is pertinent to mention here that as per Clause 6B, the workshops should also undertake works in Light Motor Vehicles. Therefore, the 2014 decision of the Government loses significance as far as approved workshops are concerned and only the candidates who acquired experience from departmental repair shops after 2014 would be affected. There seems to be no co-ordination between different wings of the Transport department before finalizing the qualifications. It is too late in the day as nothing can be done and the candidates are bound by the terms and conditions of the notification as they leave no room for any interpretation or relaxation. Hence, the authorities are directed to redo the entire process by verifying the experience with regard to petrol and diesel fitted engines and select candidates only who satisfy the requirement.

Valid Driving Licence

79. It is the contention of the learned counsel for the petitioners in W.P Nos. 9785 and 9788 of 2023 that certain candidates do not have valid driving



W.A.No.590 of 2023 etc. batch

licence and they have been selected in violation of the terms and conditions of the notification, whereas the names of the petitioners have been deleted alleging that they were not in possession of valid driving license as on 14.02.2018. Per contra, it has been contended on the side of the State that no such candidates have been selected. This Court cannot go into the factual aspects. However, we are of the view that the procedure to be followed in public employment has to be transparent. Therefore, the authorities are to ensure that only the persons with requisite Light Motor Vehicle, Heavy goods and Heavy Passenger Vehicle driving licences as on the date of notification with six months experience of driving Heavy Passenger vehicles as contemplated under Rule 6B, be selected. If any candidate in the select list fails to possess the experience in driving or driving licence in all the categories, his name must be removed. On the other hand, if any candidate who satisfies all the requirements has been left out, must be included. The verification of the driving licence is to be made from the respective Regional Transport officer. The consideration of the candidature of the appellants / petitioners is to be addressed and proper reply has to be furnished to them. This issue is answered accordingly.

PSTM Quota

80. As far as the issue regarding the persons who have applied under

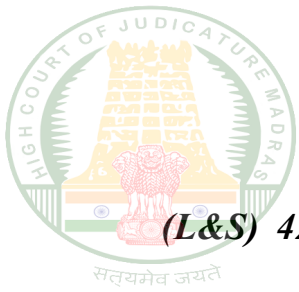


W.A.No.590 of 2023 etc. batch

the PSTM quota is concerned, we find no error in the findings of the learned Judge. As rightly appreciated by the Learned Judge, a certificate from the Head of the Institution is sufficient. The notification does not contemplate any procedure to get a letter from the Directorate of Technical Education. The earlier letter of the DoTE dated 10.01.1985 has left it to the discretion of the Institution regarding the medium of Instructions. No other administrative or executive order has been produced to restrict the medium of instructions to English alone. Once it is certified by the Head of the Institution that the medium of Instructions during the course has been in Tamil and the exams were also written by the students in Tamil, we are of the view that the requirement is satisfied. Accordingly, the issue is answered.

Debarment and Suitability

81. As far as candidate who was barred by Teachers Recruitment Board is concerned, Section 12 (k) is very clear. It is the duty of the applicant to intimate about the result of any proceedings that were pending adjudication on the date of notification and which attained finality after submission of the application. It is settled law that the suitability for the particular post is to be left to the principal employer. It will be useful to refer to the Judgment of the Apex Court in *Avtar Singh v. Union of India*, [(2016) 8 SCC 471 : (2016) 2 SCC



(L&S) 425 : 2016 SCC OnLine SC 726], with regard to the power of the

employer to decide on the suitability, and the relevant portion of the same reads

as under:

“38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the aforesaid discussion, we summarise our conclusion thus:

38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

38.2. While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3. The employer shall take into consideration the government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4. In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourses appropriate to the case may be adopted:

38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.”



W.A.No.590 of 2023 etc. batch

In the present case, the TNPSC after taking into consideration the debarment, has come to a conclusion that the petitioner is not suitable. Therefore, we find no reasons to interfere with the rejection of the candidature of the petitioner in W.P.No.10478 of 2023 and the writ petition is liable to be rejected.

Upper Age Limit

82. As far as the plea that the candidates from the category of SC/ST should not be granted any age relaxation, if they get selected under the Unreserved Category is concerned, we do not agree with the same. A perusal of the notification, more particularly, clause 6A would indicate that there is no upper age limit for the candidates in SC/ST category. The language used therein is simple and clear inasmuch as the benefit is for the persons who fall under the category and not restricted to their appointment under the SC/ST quota. In other words, irrespective of the category under which they are appointed or considered for appointment, the persons falling under all categories other than “Others” have no upper age limit. It is also the contention of the appellants / writ petitioners that the persons who have crossed the upper age limit, have also been selected. This court cannot go into the factual aspects in this regard. It is for the TNPSC to verify the details and act upon. It is made clear that the clauses mentioned in the notification are equally binding on the State, TNPSC



W.A.No.590 of 2023 etc. batch

and the applicants. If any violations are noted, the same are to be rectified by rejecting the candidature of the persons, who are ineligible as on the date of notification. This issue is answered accordingly.

Not falling within the Zone of Consideration

83. The next line of contention is that the candidates have not been included in the select list fit for oral test stating that they do not come within the zone of consideration. The same is intrinsically linked with the contention seeking disclosure of marks. As per the notification, the minimum qualifying marks for SCs/SC(A)s, STs, MBC/DC, BCs and BCMs is 171 and for “Others”, it is 228. The persons who have failed to obtain the qualifying marks would not be entitled to participate in the oral test. Before the Learned Judge, the TNPSC refused to reveal the marks citing the Judgment of the Hon’ble Apex Court in CA No 5924 of 2013 and the Full Bench Judgment of this Court in W.P. No.10010 of 2015. We have carefully examined the same. The Full Bench of this Court has placed its reliance upon the judgement of the Hon’ble Apex Court referred to above and also the condition mentioned in the notification. In fact, the Hon’ble Apex Court has clearly held in the Judgment that the disclosure of the marks can be permitted if public interest demands in a particular case. Further, the notification concerned in the present case, does not prohibit



W.A.No.590 of 2023 etc. batch

publication of marks as distinguishable from the facts in the case decided by the

Full Bench of this Court. As evident from the notification, only the persons who have obtained the minimum qualifying marks after appearing in all the examinations, are entitled to participate in the oral test. While it is evident from the contentions of the learned senior counsel appearing for the appellant in W.A. No. 766 of 2023 that the marks of certain candidates have already been disclosed, we find the stand of the TNPSC to be arbitrary. The applicants have not sought any direction seeking copy of their answer sheets as the same cannot be revealed. But once marks of certain candidates have been revealed, we are of the opinion that the public interest requires the marks of candidates to be revealed to put a quietness to one aspect of the disputes pending for more than five years. In view of the same, the TNPSC is directed to send the marks secured by the candidates, who have not allegedly come within the zone of consideration by sms or email, individually. We are making it very clear that the candidates will not be entitled to a copy of the answer sheets. Another demand that has been made is the recording of the oral test. Insofar as such plea is concerned, we are of the considered opinion that such procedure would not only bring in accountability at both ends, but also augment transparency. It is to be noted at this juncture that such video recording must be stored and kept in safe custody and produced before this Court, if required; and that, it is not to be



revealed to any candidate. This court decides this issue in the said terms.

WEB COPY

Rule of Reservation

84. As far as the contention that the rule of reservation has not been followed, it is to be noted in the notification that the rule of reservation is applicable and is to be followed. The said contention is general and not specific. It is pertinent to mention here that as per clause 10, after verification of the original certificates, the eligible candidates will be summoned for Oral Test following the rule of reservation of appointments. The final selection must also be published by following the rule of reservation. The TNPSC has not denied the said contention. Hence, this court deems it fit to issue a direction in this regard. As we have already issued certain directions regarding experience certificate, before the publication of the revised list of candidates eligible for oral test, the list is to be prepared by following the rule of reservation.

Principles of Natural Justice

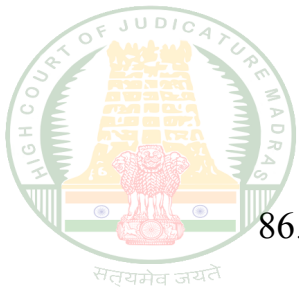
85. As far as the plea regarding violation of the principles of natural justice is concerned, the notification under consideration does not contemplate providing of an opportunity. It is settled law that under certain circumstances, even if the rules do not contemplate an opportunity to be provided, the rule of



W.A.No.590 of 2023 etc. batch

natural justice is to be followed. In the present case, the revision of selection list was carried out pursuant to the directions of the learned Judge in the writ petitions, wherein general directions were issued which had the effect of revision of the entire select list. The candidates are aware of the eligibility condition including the requisite approval to the workshops, which have to be co-extensive with that of the factory licence and fire insurance. The dispute arose after re-verification, when it was found out that the period of experience was not co-extensive with the period of approval. The writ petitioners had also participated in the re-verification process. Therefore, they cannot claim that they were not given any opportunity. In any case, we have now directed the State to take a decision on the belated renewal and redo the entire process. The decision and directions of this court, are to be displayed in the website and notice board of the TNPSC, which shall constitute as sufficient notice to all the candidates. It is pertinent to point out here that the rules contemplate that select list shall be prepared in a particular ratio, that is to say 1:2/1:3. That being the case, it is not possible for the TNPSC to include all the names of the candidates who have qualified. Therefore, the Final list shall be prepared by keeping in mind the rule of reservation.

Proper Format



W.A.No.590 of 2023 etc. batch

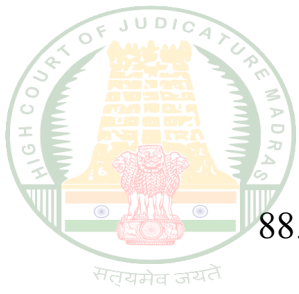
86. It has been contended by the learned counsel for the appellants that

12 candidates did not submit the documents as per the format prescribed in the notification and therefore, their applications ought to have been rejected. We have already discussed about the difference between eligibility and procedure in the earlier paragraph. The Learned Judge upon verification of the particulars, held that the requisite particulars are available in the certificates. Hence, we do not find any reasons to interfere with the decision of the Learned Judge in this regard.

Miscellaneous

87. In some cases before us, specific contentions have been raised that certain ineligible candidates have been selected; that eligible candidates have been left out; and that the persons with lower marks have been selected. We have already directed the TNPSC to redo the process, after verification. Therefore, we deem it suffice to permit the appellant / petitioners to place the supportive materials before the TNPSC for its consideration and decision. This issue is answered accordingly.

CONCLUSION

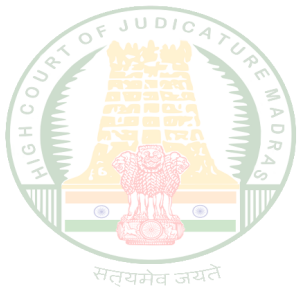


W.A.No.590 of 2023 etc. batch

88. In view of the fact that the notification was published on 14.02.2018 and considerable time has already passed because of repeated litigations, this court deems it necessary to determine the timeline for compliance of the directions issued above, with regard to experience certificate, possession of experience in petrol and diesel engines, claim of eligible and ineligible candidates, miscellaneous matters, not falling within the zone of consideration, rule of reservation, valid driving licence and conduct of oral test, which are summarized as below:

(a) The State, more particularly, Director / Commissioner of Transport Department must take a decision about the grant of effect of retrospective renewal or deny such retrospective renewal to all the workshops and communicate the same to the TNPSC within a period of four weeks from the date of receipt of a copy of this judgment. This direction will also be applicable to the workshops, which were earlier granted retrospective approval prior to 2011 or 2012-2013.

(b) Depending upon the decision of the State as regards the grant of renewal to the workshops, the TNPSC shall make the select list, within a period of two weeks thereafter, and publish the same in the website as well as intimate to the eligible candidates independently.



W.A.No.590 of 2023 etc. batch

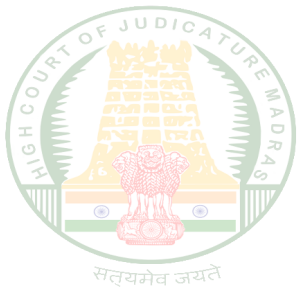
WEB COPY

(c)As held by us that the persons with experience in both petrol and diesel fitted engines alone, shall be eligible for selection, the TNPSC shall redo the selection process by verifying the experience of the candidates and make the list accordingly.

(d) The TNPSC shall verify the driving licence of the candidates with the respective RTO's within a period of four weeks from the date of receipt of a copy of this judgment and intimate the result to the individuals directly, who fail to qualify.

(e)The TNPSC must prepare the list of candidates for oral test following the rule of reservation as contemplated under clause 10 of the notification, within a period of four weeks from the date of compliance of directions (a), (b), (c) and (d) and publish the same in the official website.

(f)The TNPSC shall intimate the marks of the candidates who do not come within the zone of consideration to the candidates individually by sms or e-mail, atleast three days before conducting the oral test. The candidates will not have any right to seek a copy of their answer sheet or re-valuation.



W.A.No.590 of 2023 etc. batch

WEB COPY

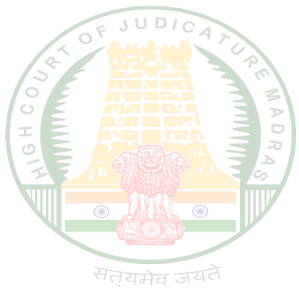
(g)The TNPSC shall conduct the certificate verification of the eligible candidates after publication of the list of candidates fit for oral test, atleast three days prior to the date, on which oral test is scheduled to be conducted.

(h)The entire selection process shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this judgment.

(i)The TNPSC shall videograph the oral test, keep the same in safe custody, and produce as and when required,

(j)For the purpose of co-ordinating all the authorities, so as to comply with the aforesaid directions, the TNPSC has to nominate a nodal officer within a week and publish the same in their website. The nodal officer shall be the person, to whom the petitioners / appellants / applicants shall submit their complaints / objections, if any, with supportive materials, and he, in turn, shall place the same before the TNPSC for appropriate action,

(k)With regard to the issue relating to upper age limit, it is for the TNPSC to verify the details and act upon, in accordance with the notification.



W.A.No.590 of 2023 etc. batch

WEB COPY

(1) These directions issued shall be posted in the website of the TNPSC and the same shall be construed as constructive notice to all the candidates irrespective of the fact whether they are before us or not.

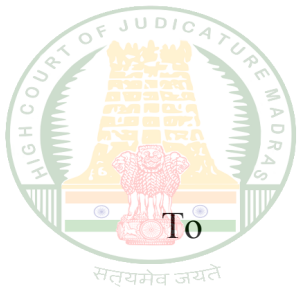
89. As far as the challenge to the PSTM Quota, certificate not being in proper format, suitability of the candidate after debarment by TRB, the same fails.

RESULT

90. All the writ appeals and writ petitions are disposed of, in terms of the findings, directions and conclusions rendered above. Consequently, all the connected miscellaneous petitions are closed. There will be no order as to costs.

[R.M.D,J.] [M.S.Q, J.]
22.12.2023

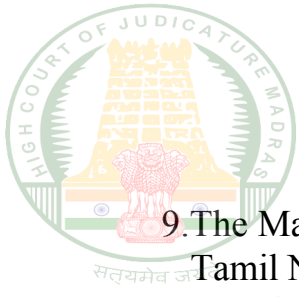
Index : Yes/No
Neutral Citation : Yes/No
rk



W.A.No.590 of 2023 etc. batch

To

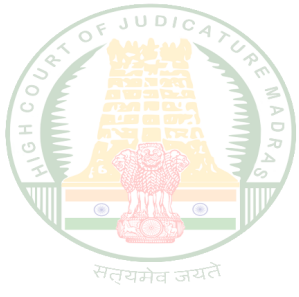
1. The Secretary,
The Tamilnadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.
2. The Chairman,
The Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road, V.O.C Nagar,
Chennai - 600 003.
3. The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003.
4. The Director,
Tamilnadu Motor Vehicle Maintenance Department,
Transport Commissioner,
Velachery, Chennai - 42.
5. The Transport Commissioner,
Transport Department, Ezhilagam,
Chepauk, Chennai - 600 005.
6. The Secretary to Government,
State of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 600 009.
7. The Principal Secretary to Government,
The State of Tamil Nadu,
Transport Department,
Fort.St.George, Secretariat, Chennai - 600 009.
8. The Secretary to Government,
Home (Transport) Department,
Fort St.George, Chennai - 600 009.



W.A.No.590 of 2023 etc. batch

9. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam - 612 001.

WEB COPY



WEB COPY



W.A.No.590 of 2023 etc. batch

R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

rk

W.A.No.590 of 2023 etc. batch

22.12.2023