



CMP.Nos.7562 and 7659 of 2023 in WA.No.590 of 2023

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WA.No.590 of 2023

R. MAHADEVAN, J.

AND

MOHAMMED SHAFFIQ, J.

(Order of the court was made by R.Mahadevan, J.)

The petitioner is the Tamil Nadu Public Service Commission. They filed two petitions viz., (i) CMP.No.7562 of 2023 to modify para 9(iii) of the order dated 29.03.2023 passed in WA.No.590 of 2023 etc. cases, by permitting them to process the oral test results of the candidates, who find place in the oral test list dated 17.03.2023 pending disposal of the writ appeal; and (ii) CMP.No.7659 of 2023 to modify para 9(i), (ii), (iii) and (v) of the order dated 29.03.2023 passed in WA.No.590 of 2023 etc. cases, by permitting them to conduct oral test only for the candidates, who find place in the oral test list dated 17.03.2023 and process the same further, pending disposal of the above writ appeal.

2.Mr.P.Wilson, learned senior counsel appearing for the petitioner submitted that in WA.No.590 of 2023 etc. cases, by order dated 29.03.2023, this court has issued the following directions to the petitioner:



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- i) The candidates whose names are mentioned above, shall be permitted by the Tamil Nadu Public Service Commission (TNPSC) to participate in the oral test scheduled to be held on 30.03.2023 and 31.03.2023;*
- ii) The results in the oral test of the candidates mentioned in the above table shall be kept in a separate sealed cover;*
- iii) The outcome of the oral test in respect of all the candidates shall be kept in abeyance till 11.04.2023;*
- iv) The results of the entire selection process would be subject to the outcome of the writ appeals/ petitions;*
- v) It is made clear that this order is passed without prejudice to the contentions that are going to be raised by the parties, and that merely because the candidates are permitted to attend the oral test, they cannot claim any equity on that ground."*

While so, this court has observed that the aforesaid directions were issued, based on consent of the parties. Expressing some difficulties, the learned senior counsel sought to remove the words in the first line of para 9 of the order dated 29.03.2023 viz., "as agreed by both the parties". The learned senior counsel also prayed to modify some of the directions mentioned in para 9 of the said order. Insofar as the relief sought in CMP.No.7562 of 2023 is concerned, the learned senior counsel sought permission of this court to withdraw the same and also made an endorsement to that effect in the bundle.

3.On the other hand, Mrs.Nalini Chidambaram, Mr.N.Subramaniyan, Mr.G.Sankaran, Mr.L.Chandrakumar, Mr.S.Nedunchezhiyan, Mr.M.Muthappan



and other learned counsel, appearing for the candidates, have stoutly opposed the modification sought by the petitioner. It is submitted that despite the order of this court, the petitioner has not sent any communication, directing the candidates to attend the oral test scheduled to be held on 30.03.2023 and 31.03.2023 and thereby, they committed contempt of court.

4.1. This court, upon considering the submissions made by the learned counsel appearing for all the parties, is not inclined to modify the order dated 29.03.2023 passed in WA.No.590/2023 etc. cases. Therefore, the clauses (i) to (v) contained in para 9 require no modification and are intact. However, taking note of the difficulties expressed by the learned senior counsel, this court is inclined to remove the words in the first line of para 9 of the order dated 29.03.2023 that "*as agreed by both the parties*" and are accordingly removed.

4.2. In view of the above, the petitioner/TNPSC is directed to conduct oral test to the candidates, whose names and register numbers are mentioned in the order dated 29.03.2023, after fixing an alternate date and by giving prior intimation to them well in advance, and act upon further, in terms of the order dated 29.03.2023 passed in WA.No.590 of 2023 etc. cases. Accordingly, CMP.No.7659 of 2023 stands disposed of.



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5. Recording the submission and endorsement made on the side of the petitioner, CMP.No.7562 of 2023 stands dismissed as withdrawn.

Post these matters on 11.04.2023.

[R.M.D., J.] [M.S.Q., J.]
31.03.2023

av

Note: Issue today



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