

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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RESERVED ON : 07.02.2023

PRONOUNCED ON : 10.02.2023

CORAM

THE HONOURABLE JUSTICE MR.N.ANAND VENKATESH

W.P.Nos.12776,16090/2020 11656, 11657,11659,11664,11717,
11821,11824, 11832,11848
,12026,12041,12089,12090,12091,12095,12096,12097,12098,12100,
12107,12114,12115,12116,12118,12130,12132,12136,12147,12149,
12150, 12151, 12152,12153,
12154,12335,12358,12375,12391,12392,12403,12411,12420,12527,
12536,12537,12639,12754,13001,13002,13067,13366,13386, 13437,
13500,
13504,13510,13570,14245,14262,14362,14406,14802,15330,15548,155
54, 15987, 22781, 28055 of 2021,W.P.Nos.26382 and 31899 of 2022

And

WMP Nos.15785, 20046, 20047of 2020, WMP Nos.12400,12401, 12402, 12404,
12406, 12407,12415,12418,12475,12478,12564,12565, 12566, 12567, 12575,
12597,12598,12599, 12794, 12795, 12798, 12810, 12812,12813, 12815,12862,12863,
12864, 12865, 12866, 12869,12870,12871,12872,12873,12877,12885, 12886, 12887,
12888, 12889,12890,12891,12900,12901,12902,12906, 12907, ,12917, 12918, 12919,
12922,12926,12927,12923,12924,12925,12928,12929,12930, 12932,12933, 12935,
12931,12934,12936,12937,12938,12939,13133,13136, 13148,13149, 13151,13152,
13169,13170,13171,13172,13173,13174, 13175,13176,13186,13196,13202, 13310,
13311,13316,13317,13429,13430,15072,13547,13548,13804, 15277,13806, 15278,
13872, 15281,14198,14200,14201,14230,14231, 14232,14304, 14305,14306, 14368,
14370, 14371,14373,14375,14376,14378,14379, 14380,14437, 14438,15167, 15168,
15173,15174,15262,15263, 15264,15312,16213,16215, 16464,16470,16895, 16898,
24003,24004, 29630 of 2021, 3326, 8919, 25457, 30946, 32821 and 31348 of 2022



W.P.No.15785 of 2020

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...Petitioner

.Vs.

1. The Secretary
Tamil Nadu Public Service Commission
TNPSC Road
Park Town, VOC Nagar
Chennai 600 003.

2. The Transport Commissioner
Chepauk, Chennai.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents not to reject the petitioner's application for lack of driving licence for motor vehicle (qualification) for the post of MVI Grade – II by considering the representation dated 10.08.2020.

For Petitioner : Mr.M.Elango

For Respondents : Mr. Mr.P.Wilson
Senior Counsel
for Mr.Karthik Rajan
Standing Counsel for TNPSC

Mr.S.Silambanan
Additional Advocate General II
Asst.by:
Mr.L.S.M.Hassan Faizal
Additional Government Pleader
and
G.Amidues
Government Advocate
for R2

**COMMON ORDER**

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The subject matter of challenge in all these writ petitions pertains to the impugned 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 Sub-ordinate Service and for a consequential direction to the TNPSC to prepare a fresh selection list for admission to the oral test by permitting the petitioners to participate in the same.

2.The selection process started by virtue of a notification issued by TNPSC on 14.02.2018 and the first selection of 32 candidates for oral test became a subject matter of challenge and this Court disposed of a batch of writ petitions by order dated 24.01.2020, by issuing certain directions. The case has gone one full round and once again the fresh selection of 226 candidates has become a subject matter of challenge in these batch of writ petitions. Unfortunately, the selection process that started five years ago has not progressed a wee bit and the challenge to the fresh selection has once again come before me after nearly three



years, in the very same position in which I left three years ago while passing orders on 24.01.2020.

3.The background facts of this case have been explained in the previous order passed on 24.01.2020 and for proper appreciation, it is extracted here under:

2.The TNPSC issued Advertisement No.489, dated 14.02.2018, in Notification No.3/2018, inviting applications through online mode for direct recruitment to the post of Motor Vehicle Inspector Grade-II, coming under the Tamil Nadu Transport Subordinate Service, to fill up 113 posts in the scale of pay of Rs.35,900/- - 1,13,500/-. The last date for submission of online applications was fixed as 13.03.2018 and the last date for submission of attested hard copies of the documents along with printout of online application was fixed as 25.03.2018. The date of written examination for Paper-I and Paper-II was fixed to be held on 10.06.2018.

3.The educational qualification and experience as on 14.02.2018 was provided under Clause 6(B) of the Notification and the same is extracted hereunder:

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 (ii) Any one of the following Qualifications awarded by the State Board of Technical Education and Training, Tamil Nadu. A Diploma in Automobile Engineering (3 years Course) Or, A Diploma in Mechanical Engineering (3 years Course)	(i) Experience of having worked for a period of not less than one year both on vehicles fitted with diesel Engines on a full time basis in an Automobile Workshop which undertakes repairs of Light Motor Passenger Motor Vehicles, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles (ii) Must hold a valid driving licence authorising him to drive Motor Cycle, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles. and (iii) Must have experience in driving Heavy Transport Vehicles for a period of not less than six months after obtaining the licence referred to above.

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.

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 of the Director, Motor Vehicles Maintenance Department for carrying out all kinds of repairs.

4. Annexure-II specifically provided for the model format for submitting the experience certificate. This experience certificate was directed to be issued by the



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Automobile Workshop as contemplated by the explanation to Clause 6(B) of the Notification.

5.It was informed to the Court that totally about 2176 candidates applied for 113 posts of Motor Vehicle Inspector Grade-II. Out of this, the applications of 785 candidates were rejected. Hall tickets were issued to the remaining candidates to appear for the written examination. The candidates were allowed to write the examination subject to the verification and acceptance of the workshop experience certificate, driving experience certificate and driving license, by the Transport/MVMD [Motor Vehicle Maintenance Department]. This condition is found under Clause 15 of the hall ticket that was issued to each candidate who took the written examination.

6.The Notification itself clearly stipulated the selection procedure under Clause 10 of the Notification and the same is extracted hereunder:

10.SELLECTION PROCEDURE

"Selection will be made in two successive stages i.e., (i) Written Examination and (ii) Oral Test in the form of an interview. Final selection will be made on the basis of total marks obtained by the applicants at the Written Examination and the Oral Test taken together subject to the rule of reservation of appointments. Appearance in both the papers of the Written Examination and Oral Test is compulsory. Based on the marks obtained by the candidates in the Written Examination, the tentative list of eligible candidates for certificate verification will be announced in the Commission's website. After verification of the original certificates, the eligible candidates will be summoned for



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Oral Test following the rule of reservation of appointments.”

7.All the writ petitioners appeared for the written examination held on 10.06.2018. It is to be mentioned here that, before the hall ticket was issued to the petitioners, all the applications along with the certificates were scrutinized to ensure that the certificates were given by the Authorised Automobile Workshops and only thereafter, the petitioners were allowed to take the written examination.

8.It is also seen from the instructions given to the applicants by the TNPSC that where the selection is made on the basis of the written examination and oral test, the selection procedure will go through three stages which are;

- a) Written examination*
- b) Certificate verification and*
- c) Oral test*

The number of selected candidates for the oral test will be in the ratio of 1:2. That is for 113 posts, 226 candidates will be called for oral test by the TNPSC.

9.In the present case, after the written examination was taken by all the candidates, they were expecting them to be called for certificate verification. However, the petitioners came to know that the TNPSC had published on 15.07.2019, provisional list of candidates calling for oral test which was slated to be held on 05.08.2019. The list contained only the names of 33 candidates [later modified as 32 candidates]. The TNPSC had short listed 33 candidates for oral test and by implication it meant that all the other applications have been rejected. This impugned list of 33 candidates dated 15.07.2019, has become the subject matter of controversy in these Writ Petitions.

4.The selection of 32 candidates for oral test was questioned on



various grounds and ultimately after considering the rival submissions and the materials that were placed before this Court, the writ petitions were disposed of by issuing the following directions:

44.All the Writ Petitions are disposed of with the following directions:

(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



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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 in a given year. The Motor Vehicles Maintenance 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



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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.

There shall be no order as to costs. Consequently, all the connected miscellaneous petitions are closed.

5. The order passed in the batch of writ petitions was put to challenge in W.A.Nos.509 etc., of 2020. The Division Bench of this Court upheld all the directions issued in the writ petitions except direction no.44(g) and for better understanding, the relevant portion is extracted here under:

64. Consequently, the Writ Appeals are partly allowed to



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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 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 was put to challenge before the Apex Court in SLP (c) No. 13571 of 2020 and the same came to be dismissed by order dated 19.01.2021.The process of selection once again commenced and the Motor Vehicles Maintenance Department (MVMD) started the scrutiny of the certificates submitted by the candidates. Out of 2716 candidates who applied, 1328 candidates took the written examination. 831 candidates were rejected for various reasons like lack of workshop experience/ driving experience/ valid driving license etc. Upon such rejection, 497 candidates were found eligible and out of them, 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 has been put to challenge in these batch of writ petitions.

7.The issues involved in these batch of writ petitions can be broadly dealt with 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 does not match with the earlier MVMD records and they have gained experience only in a minor workshop.

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 - 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/the experience certificate found to be a fake one/ the workshop not in existence in the mentioned address etc.

8.Both TNPSC and MVMD have filed counter-affidavits, additional counter-affidavits, reply affidavits and various reports pursuant to the interim direction given by this Court during the pendency



of these writ petitions.

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9. Heard the learned Senior Counsel/Counsel appearing for the petitioners and the learned Senior Counsel appearing for TNPSC and the learned Additional Advocate General for MVMD, appearing on behalf of the respondents.

10. The writ petitions which fall under Batch-I are as follows:

WP.No.11821/2021, WP.No.12041/2021, WP.No.12041/2021, WP.No.11821/2021, WP.No.11821/2021, WP.No.11832/2021, WP.No.11848/2021, WP.No.11821/2021, WP.No.12041/2021, WP.No.11717/2021, WP.No.11664/2021, WP.No.11821/2021, WP.No.12150/2021, WP.No.11824/2021, WP.No.12041/2021, WP.No.12115/2021, WP.No.12130/2021, WP.No.12149/2021, WP.No.12114/2021, WP.No.12151/2021, WP.No.12091/2021, WP.No.11821/2021, WP.No.12152/2021, W.P.No.12095/2021, WP.No.12147/2021, W.P.No.12116/2021, WP.No.13570/2021, WP.No.12375/2021, WP.No.12096/2021, WP.No.12527/2021, WP.No.12375/2021, WP.No.12118/ 2021, WP. No.12118/2021, WP.No.12107/2021, WP.No.12097/2021, WP.No.12026 /2021 WP.No.12098/2021, WP.No.12041/2021, WP.No.12358/2021, WP.No.11821/ 2021, WP.No.12136/2021, WP.No.12153/2021, WP.No.12639/2021, WP.No.13002/ 2021, WP. No.14262/2021, WP.No.13500/2021, WP. No.13366/2021, WP.No.12100/ 2021, WP.No. 12391/2021, WP.No.16090/2021 and WP.No.12391/2021.

11. The major chunk of these writ petitions pertains to the issue that falls under Batch-I, 51 writ petitions fall under this category. The candidature of the petitioners falling under Batch-I was rejected on the ground that they did not satisfy the experience qualification as 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.

12.It is clear from the counter affidavit filed by the MVMD that inspection officers were appointed by the department and they personally visited all workshops in which the candidates gained their experience. While carrying out the inspection, they were asked to verify the following facts:

a. Whether the candidate had workshop experience in an auto mobile workshop owned by the government/ state transport corporation/ recognized by the transport commissioner/ approved by the director, MVMD for major repairs.

b. Whether the candidate had experience in the workshop on vehicles fitted with petrol engines and vehicles fitted with diesel engines.



c. Whether the candidate had worked for more than 240 days in a given year.

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13.As per G.O.MS.No.123, dated 01.02.1984, while issuing approval to a private workshop, among other things, two very important factors that are taken into consideration are whether the workshop has a valid factory license and whether the workshop has a valid fire insurance. Initially, the approval used to be given under this government order for 1 year from 1st of April to 31st of March for the next year. It is mandatory to have the factory license and fire insurance for the entire period of approval failing which the approval automatically ceases.

14.G.O.MS.No.37, dated 13.02.1997 increased the grant of approval period from 1 year to 2 years. All the other conditions remained as it is.

15.Subsequently, G.O.MS.No.69 dated 10.08.2005, came to be issued. As per this Government Order, approvals will be given for two years either from 1st October to 30th September of the next second year or from 1st April to 31st March of the next second year based on when the



applications are submitted.

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16.It is clear from the materials available on record and based on the submissions made on the either side that prior to the year 2006, approval was granted for a block period of 2 years irrespective of the renewal of factory license and fire insurance but with a caveat that the factory license and fire insurance must be renewed during the period of approval. Post 2006, approval was granted to the private workshop only after considering the validity of factory license and fire insurance for a block period of 2 years. However, such approval used to be granted even retrospectively and this practice was continued till the year 2012 – 2013.

17.Post 2012-2013, approval is granted only from the date on which the approval order is signed and the concerned workshop which made the application had satisfied all the requirements made under G.O. MS.No.123. The practice of granting approval with retrospective effect was stopped and the approval took effect only from the date on which it was given.

18.To put it simply, the approval granted to a private workshop



must be coextensive with a valid fire insurance and factory license and the experience certificate obtained by the candidates must be co-extensive with the period during which the approval is actually available to the concerned private workshop.

19. The main ground that was raised on the side of the petitioners is that the approvals were given by the MVMD indiscriminately prior to the year 2012, without verifying the availability of the factory license and fire insurance or approvals were granted with retrospective effect which sometimes exceeded more than 1 year prior to the date of giving the actual approval. That apart, even when there was a valid factory license and fire insurance, there was exorbitant administrative delay in granting the approval and post 2012, the approval was given only from the date of signing the order. All these factors acted to the prejudice of the petitioners falling under Batch-I.

20. This Court wanted to ensure that every petitioner who had approached this Court must be given an opportunity to put forth their grievances before MVMD and the MVMD was directed to verify the



case of the petitioners in each and every writ petition and submit a report.

This direction was given since it would have been very difficult for this Court to sit and physically verify the approval period and the corresponding experience period of the petitioners. Accordingly, the counsel who were representing the respective petitioners were asked to sit with the learned Additional Government Pleader and the Officers belonging to MVMD and submit their records.

21.The MVMD has filed an exhaustive report dealing with each and every petitioner falling under Batch-I. This Court carefully went through the report and found that for all the 51 petitioners, they had not completed the requisite experience during the actual approval period.

22.It is true that many of the candidates went by the list of approved workshops as was published in the Government website and they may not be aware of the exact particulars of the approval that was granted to the concerned private workshop. These candidates would have worked for a period even exceeding 1 year but however during the period when they worked, if the approval does not cover that period, the



candidate working for more than a year will not be of any avail since the experience period must be coextensive with the approval period.

23. When the earlier batch of writ petitions were disposed of by this court, one important direction that was given to MVMD was to ensure that each candidate had worked at least for 240 days in a given year. This test was directed to be applied across the board for all the candidates without any discrimination. The records reveal that this test was applied to all the candidates and no discrimination was shown.

24. The main crux of the arguments of the learned counsel appearing for the petitioners is that the indiscriminate manner in which the MVMD has granted approval during the relevant point of time should not work against the interest of the candidates. In short, the petitioners are attempting to question the approval that was granted by MVMD during the years 2005 – 2013. The question is, who will be the aggrieved person to challenge the approval granted by MVMD during the relevant point of time.

25. The answer for this question is quite simple and straight



forward and it is only the concerned workshop which should question or agitate, if at all they are aggrieved by the delay in grant of approval or the indiscriminate manner in which approvals were granted for the other workshops at different periods of time. The petitioners cannot be allowed to act as the mouthpiece of the concerned private workshop.

26.To understand the significance of what was stated hereinabove, let us take a hypothetical case – a selection process requires a candidate to attain a particular qualification from a recognized institution. The concerned candidate finds that the name of the institution is found in the recognized list of institutions. He joins that institution and undergoes the course. Unfortunately for him, the concerned institution did not have recognition during a particular period of time and the recognition was granted only thereafter and it was not given retrospective effect. The candidate to finish that course, must have undergone the course for a particular period during which the concerned institution had the recognition. Unfortunately, the candidate even though had underwent the course, a portion of the period when he underwent the course did not have the recognition for the concerned institution. In view of the same,



even though the candidate was under the impression that he had undergone the course for the requisite period, the certificate obtained by him from the institution will not come to the aid of the candidate even though it was not the mistake of the candidate. Let us assume that many such institutions who were similarly placed were given recognition with retrospective effect and it covered the entire period during which some other candidates underwent the course in that institution. In both the cases, the candidates had undergone the course for the requisite period but in the former, a portion of the period was not falling within the recognition period and in the latter, the entire course period fell within the period of recognition. Under such circumstances, it is the concerned institution which got only such partial recognition for a portion of the period, should question the same and the candidate who underwent the course in that institution, cannot at some later point of time rake up this issue.

27. The learned counsel for the petitioners appearing in many of the writ petitions, submitted heaps of documents to substantiate that the workshop in which they had undergone the experience, had the fire



insurance and the factory license for the entire period without break.

Hence, it was submitted that they have satisfied the requirement for approval which is coextensive with the availability of the factory license and fire insurance. In the considered view of this court, the mere production of factory license and fire insurance by the petitioners will not automatically result in the grant of approval by the MVMD. What has to be seen is whether the approval was granted by the MVMD for the relevant period during which the candidate had gained experience. The experience of the concerned candidate is not coextensive with the mere availability of the fire insurance and factory license. On the contrary, the experience is coextensive only with the period of approval. Therefore, the documents produced by the petitioners without any material to show that the entire period when they had experience, was covered with approval, does not really improve the case of the petitioners.

28. An attempt was made on the side of the petitioners to state that it is enough if an Automobile Workshop is recognized or approved or certified by the Transport Department. Therefore, getting the approval is only one of the options suggested and those workshops which had the



recognition, will also satisfy the requirement and during the period of recognition, if the candidate had undergone the experience, the same should be taken into consideration. This submission made on the side of the petitioners does not carry any water. The words recognized/ approved/ certified are used synonymously and it should only be understood as the certificate that is given by the MVMD at the time of giving approval to the workshop and thereby the workshop gets recognized. If this interpretation is not given, a workshop even without obtaining an approval will claim that they will run the workshop because they were initially recognized/certified. That will go against the very mandate of the Government orders which talks about approval and the period of approval being coextensive with a valid factory license and fire insurance.

29. Yet another submission that was made on the side of the petitioners was that the notification specifically provided that the experience certificate must be submitted in a fixed format and in the case of nearly 12 candidates who were selected, the certificate did not satisfy this mandate. Therefore, it was contended that the candidature of those



candidates should have been rejected. This Court went through the certificates that were pointed out with regard to the 12 candidates and it is true that it is not in line with the format prescribed under the notification. In reply to this, it was submitted by the learned Additional Advocate General appearing for the MVMD that those certificates had substantially complied with the requirements and that apart, all those workshops covered under those certificates, were directed to be physically verified and it was found that they had the necessary approval and the candidate had undergone the experience during the approval period. In the considered view of this Court, this explanation given by the respondents sufficiently satisfies the requirement and the certificate that was submitted by those 12 candidates can be acted upon. Ultimately, if the factual verification satisfies the requirement, the experience certificate merely confirms the fulfilment of the requirement.

30.It must be borne in mind that by the time the notification was issued by the TNPSC in the year 2018, the candidates had already undergone the experience in the concerned workshop and neither the workshop nor the candidate would have even anticipated that at a later



point of time, TNPSC is going to impose a condition in the notification to the effect that the experience period must be coextensive with the approval period. Hence, even taking the extreme case that no uniform method was followed by the MVMD, while granting the approval during the relevant point of time, the same cannot be made a subject matter of challenge after the passage of so many years. If this Court starts going into the issue of approval given to each and every workshop during the relevant point of time, it will go beyond the scope of the dispute in these writ petitions and it will literally be a wild goose chase. What this Court has been called upon to verify is as to whether the candidate had the requisite experience and whether during this experience period, the workshop had a valid approval. If this requirement is satisfied, it is not necessary for this Court to go and dig out facts and find out how those approvals were granted and whether there was indiscriminate grant of approvals during the relevant point of time. It is impossible for this Court to go back on time and test each and every approval that was given to the concerned workshop. As stated supra, the MVMD has strictly gone by the direction given by this Court at para 44 (h) and has ensured that the



period of experience certificate is coextensive with the period of approval and accordingly, has selected or rejected the candidates.

31. This Court took pains to ensure that a candidate is not rejected due to the wrong determination of the experience period in relation to the approval period. Hence re-verification was directed to be done by the MVMD and a re-verification report was submitted wherein it was found that an error had crept in with regard to 5 candidates. Immediately, additional counter-affidavit was filed by MVMD and it was informed to this Court that one K. Balamurugan, who was selected (ID No. 1909), was found lacking and had less than 1-year experience. Likewise, four other candidates whose candidature were rejected viz., K. Keerthivarman (ID No. 1570), G. Sathiyarasu (ID No. 990), S. Vijayakumar (ID No. 1678) and T. Satish Kumar (ID No. 1726), had the requisite experience of more than 1 year and their candidatures were wrongly rejected. The re-verification was conducted for all the 1328 candidates. Hence, it will not be reasonable to allege that the MVMD Department conducted the verification according to their whims and fancies. The Director of MVMD has tendered an unconditional apology for the error that crept in



and the mistakes were rectified.

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32. During the course of arguments, this Court passed an order based on the complaint made by the learned counsel for the petitioners to the effect that nearly 105 candidates out of the 226 candidates who were selected, did not satisfy the requirement since the approval was granted even without verification of the availability of the factory license and fire insurance. Hence, this Court gave a direction to MVMD to verify and to submit a report in this regard.

33. The verification was split up into two phases. The first phase of verification pertained to 42 candidates who had their experience in the concerned approved workshops before the year 2005. On verifying with those workshops, it was found that for 16 candidates, the workshop had both the fire insurance and factory license. For 18 candidates, either the factory license was available or the fire insurance was available. For the rest of the 8 candidates, both the fire insurance and factory license were not available.

34. The second phase of verification pertained to 63 candidates



who had their experience in the concerned/respective workshops between the years 2006 to 2011–2012. On verifying with those workshops, it was found that for 41 candidates, the workshop had both the fire insurance and factory license. For 20 candidates either the factory license was available or the fire insurance was available. For the rest of the 2 candidates, both the fire insurance and factory license were not available.

35.The learned Additional Advocate General appearing on behalf of the MVMD submitted that the non-availability of the factory license and/or fire insurance, does not necessarily mean that these workshops did not have the necessary factory license and fire insurance during the relevant point of time. They did not maintain these papers. Therefore, the learned Additional Advocate General submitted that whatever decision is taken by this Court will be accepted by the MVMD.

36.In the considered view of this Court, it will be too difficult for this Court to come to a conclusion that the concerned workshops did not have the factory license and fire insurance, at this length of time merely because the relevant papers were not available at the time of inspection



conducted in the year 2022. As already held supra, it is too difficult for this Court to go into each and every approval that was granted before 2005 and this Court can only safely conclude that the workshops in which these 42 candidates had their experience, possessed valid factory license and fire insurance. Such a conclusion was arrived at since approval is coextensive with factory license and fire insurance. Likewise, the very same finding that has been rendered for the 42 candidates will equally apply to the 63 candidates.

37. In the light of the above discussion, this Court answers the issues raised in Batch-I as under:

a. The petitioners who had less than 1 year experience corresponding to the period of approval granted by MVMD to the concerned workshop, failed to satisfy the experience qualification prescribed under Clause 6 (B) of the notification and hence, this Court holds that their candidature was rightly rejected;

b. The mistake that was detected by MVMD with respect to 5 candidates pertaining to which they have submitted the re-verification report dated 03.10.2020 to TNPSC, shall be acted upon by TNPSC and



necessary correction shall be made in the selection list for the oral test by including the names of the 4 candidates, who were found to satisfy the experience qualification;and

c. Insofar as the 105 (42 + 63) candidates for whom a verification was made and a report was submitted before this Court by MVMD, this Court finds that there is no material or valid reason to interfere with the selection of these 105 candidates.

38.This Court will now go into the issue that is involved in Batch-II, covering the following Writ petitions: WP.No.11821/2021, WP.No.12089/2021,WP.No.12090/2021,WP.No.12335/2021,WP.No.12536/2021 WP.No.12537/2021,WP.No.12754/2021and WP.No.14802/ 2021.

39.The issue that is involved in Batch-II, is that the candidature of these petitioners, were rejected on the ground that they did not possess experience in petrol engine and they possessed experience only in diesel engine.



40. Insofar as the petitioners in WP.Nos.11821 and 12335 of 2021 are concerned, they had undergone the workshop experience in the Tamil Nadu State Corporation (Salem, Depot). The learned counsel appearing on behalf of these petitioners based on the reply received under an RTI application, submitted that the concerned workshop had both petrol engine and diesel engine. Hence, this Court passed an order on 15.07.2022, seeking for a clarification and to submit a report. Accordingly, the MVMD made a communication to the General Manager of TNSTC, Salem and the general manager through a letter dated 28.07.2022 informed the MVMD that both the petitioners were not trained in petrol engine fitted vehicles during their training period. In view of this clarification, the ground that was put against the petitioners has to be sustained.

41. Insofar as the petitioner in WP.No.12090 of 2021 is concerned, this court sought for a similar clarification by order dated 15.07.2022 and the TNSTC, Madurai through letter dated 23.07.2022, has informed that no repair work of petrol engines was undertaken during the period when the petitioner had undergone his experience in the workshop. In view of



the same, the objection raised against the petitioner has to be sustained.

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42. Insofar as the petitioner in WP.No.12089 of 2021, is concerned, a similar order was passed by this court seeking for clarification and the TNSSTC, Coimbatore, has clarified that repairs and maintenance of heavy vehicles fitted with diesel engine alone was available in the depot. It was submitted that this petitioner while participating in the earlier selections, was not rejected on the ground that has now been taken by MVMD. It was also brought to the notice of this Court that one of the selected candidate Illavarasan had also undergone his experience in the same workshop and his candidature was cleared.

43. The next two writ petitions in WP.Nos.12536 and 12537 of 2021 can be taken together. The main ground that was raised by the learned counsel appearing for these petitioners is that they underwent experience at the workshop of TNSSTC, Coimbatore and their candidature was rejected on the ground that only diesel fitted engines were available in the depot. Whereas insofar as one of the selected candidate named



Illavarasan, who also underwent the experience in the same workshop, was not disqualified on this ground. Hence, it was contended that there was discrimination in rejecting the candidature of these two petitioners. The clarification that has been given by the General Manager of TNSTC, Coimbatore through letter dated 25.07.2022, is not satisfactory and it is very evasive and hence, the petitioners in W.P.Nos. 12089, 12536 and 12537 of 2021, must be considered on par with the selected candidate Illavarasan. Hence, the ground that was put against these petitioners, requires the interference of this Court.

44.The next candidate to be considered is the petitioner in W.P. No.12754 of 2021. This Court passed an order on 15.07.2022 and sought for clarification. The TNSTC, Kumbakonam, through letter dated 24.07.2022 has informed the MVMD that there was no petrol engine fitted vehicle available during the relevant period. In view of this clarification given by the MVMD, there is no ground for this Court to disregard the same and hence, the objections made against this petitioner is sustained.



45.The last petitioner to be dealt with in Batch-II is the petitioner in WP.No.14802 of 2021. Regarding this petitioner, this Court has already passed an order on 15.07.2022 and it was found that the concerned workshop at Vellore, conducted repairs for both petrol and diesel engines. It was also found that such a facility was available at the time when the petitioner was taking training within the approval period. In view of the same, the ground raised against this petitioner is unsustainable and the same has to be interfered by this Court.

46.In the light of the above discussion, this Court answers the issue raised in Batch-II as under:

- a. The objections raised for the petitioners in WP.Nos.11821, 12335, 12090 and 12754 of 2021 are sustained. and ;
- b. The rejection of the candidature of the petitioners in WP.Nos. 12089, 12536, 12537 and 14802 of 2021, is hereby set aside and there shall be a direction to the TNPSC to include the names of these petitioners in the selection list for the oral test.

47.This Court will now go into the issue that is involved in



Batch-III covering the following Writ Petitions: WP.No.11821/2021, WP.No.13437/2021 and WP.No.15330/2021.

48.The ground that has been put against the petitioners in these Writ Petitions is that the Attendance Register that was produced did not match with the MVMD records. Insofar as the petitioner in WP.No. 11821 of 2021, is concerned (G. Andrews), it is found that he is not able to satisfy the requirement and the objection raised by the respondents is sustained.

49.Insofar as the petitioners in WP.Nos. 13437 and 15330 of 2021 are concerned, the objection raised against them was that their attendance for the months of May 2015 and January 2017 respectively were not available at the time of inspection. The learned counsel appearing for these petitioners were available to satisfy with the necessary document that the attendance for the relevant months is very much available and the names of these petitioners are also found in the Attendance Register. In view of the same, the objections put against these petitioners is set aside.



50. In the light of the above discussion, this Court holds that the objections raised against G. Andrews in WP.No.11821 of 2021, is sustained and the objections raised against the petitioners in WP.Nos.13437 and 15330 of 2021, is liable to be interfered. Accordingly, there shall be a direction to TNPSC to include the names of the petitioners in these two writ petitions in the selection list for the oral test.

51. The candidature of the petitioner in WP.No.11659 of 2021, has been rejected on the ground that the petitioner did not produce the ID proof of the owner of the workshop where he underwent the driving experience. The relevant records were submitted before this Court by MVMD and it is seen that the owner of the workshop has given a self-declaration as directed by this court at para 44 (I) of the earlier judgment passed. That apart the ID of the owner was also produced. These documents have already been forwarded by MVMD to TNPSC. Hence there shall be a direction to TNPSC to add the name of the petitioner in the selection list for the oral test.



52. The next petitioner involved in Batch-V pertains to WP.No. 12132 of 2021. The issue involved in this writ petition is that the candidature of the petitioner was rejected on the ground that the petitioner had acquired the driving experience even before obtaining the driving license. At the time of hearing, the report of MVMD dated 21.04.2022, was brought to the notice of this Court and it is seen that the petitioner had the driving license for heavy vehicles as early as on 12.6.1995 itself. In view of the same, it is clear that the petitioner had acquired the driving experience only after acquiring the driving license. The MVMD has already forwarded the report to TNPSC. Hence, there shall be a direction to TNPSC to add the name of the petitioner in the selection list for the oral test.

53. Batch-VI involves the following Writ petitions: WP.No.12403/2021, WP.No.12154/2021 and WP.No.28055/2021. The issue involved in these writ petitions is that the petitioners made a wrong claim under PSTM category and hence their candidature was rejected.



54. Insofar as the petitioners in all these writ petitions, the Head of Department of the concerned institution had given a certificate to the effect that the petitioners studied in Tamil medium. It is only based on this certificate, the petitioners applied under the PSTM category.

55. The learned Senior Counsel appearing on behalf of TNPSC submitted that the TNPSC had the power to independently ascertain as to whether the concerned institution was using Tamil as the medium. Accordingly, a clarification was sought for from the director of Technical Education and the Director of Technical Education through letter dated 06.06.2019, informed TNPSC that the medium of instruction for all the diploma awarded by the State Technical Education and training is only in English language. The learned Senior Counsel by relying upon this letter, submitted that the petitioners are not entitled to claim under PSTM quota and they have attempted to give a wrong information and claimed for priority. Accordingly, the candidature of these petitioners was rightly rejected.

56. Per contra, the learned counsel for the petitioners submitted that



the head of department has given a letter to the effect that Tamil language was the medium through which the subjects were taught and the examinations were written by the petitioners only in Tamil and hence, they are entitled to claim under PSTM category. To substantiate this submission, the learned counsel also placed reliance upon the Full Bench judgment in WP.Nos. 27127 of 2018 etc., dated 27.09.2019.

57.The learned counsel for the petitioners also made an alternative submission to the effect that even if the petitioners were not found eligible under the PSTM category, they should be considered under the general category and their candidature should not be rejected outright. To substantiate this submission, the learned counsel relied upon the judgment of the Division Bench of this Court in WP.Nos.27127 etc., of 2018, dated 27.02.2019. The learned counsel also brought to the notice of this Court one of the selection that was made in the year 2016 and it is seen that general turn (women) was given under the PSTM category. This selection was to the very same post of Motor Vehicle Inspector, Grade-II.

58.In the considered view of this Court, the Head of Department



has given a certificate to the effect that the petitioners underwent the diploma course in Tamil medium. The directorate of technical education through letter dated 10.01.1985 has informed/instructed the institutions to teach the students in English or Tamil or by mixing both English and Tamil. This instruction was given keeping in mind the students coming from rural areas who are not well-acquainted with the English language. In view of the same, the medium of the language through which the students are taught, is left to the discretion of the institution and hence, it is the institution which will know the exact medium through which the students were taught. The Head of Department of the institution has given a certificate to the effect that the petitioners were taught in Tamil medium and this certificate has to be necessarily acted upon and it cannot be rejected. The petitioners were taught in Tamil, they were given question papers in Tamil during examination and they had also written the examination in Tamil language. Hence the petitioners are satisfying the requirements as pointed out by the Full Bench of this Court in the decision referred by the learned counsel for the petitioners. If really the diploma course had never been taught in Tamil medium, there was no occasion to choose candidates under this category. However, in the year



2016 candidates have been selected under this category. Hence, the objections raised by the respondents and the rejection of the candidature by the petitioners falling in this batch, is unsustainable.

59. In the light of the above discussion, there shall be a direction to the TNPSC to include the names of the petitioners falling under this batch in the selection list for the oral test.

60. This Court will now go into the issue that is involved in Batch-VII. This Batch covers the following Writ Petitions: W.P.No.11656/2021, WP.No.11657/2021, WP.No.11848/2021, W.P.No.12118/2021, WP.No.12118/2021, WP.No.12391/2021, WP.No.12411/ 2021, WP.No.12420/2021, WP.No.13001/2021, WP.No.11848/2021, WP.No.13067/2021, WP.No.13437/2021, WP.No.14362/2021, WP.No.13504/2021, WP.No.15548/2021, WP.No.15987/2021 and WP.No. 26382/2022.

61. The candidature of these petitioners was rejected on the ground that they did not reach the zone of selection for the oral test. In other words, it was contended on the side of the respondents that these petitioners satisfied all the other requirements, but however they did not



get sufficient marks in the written examination.

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62.This Court has already held that the marks obtained in the written examination cannot be published till the oral test is completed. This Court wanted to satisfy itself with regard to the marks that were actually obtained by the petitioners falling under this batch and compare the same with the mark that was obtained by the last candidate who was included in the selection list for the oral test. Hence this Court directed TNPSC to provide these details in a sealed cover.

63.The TNPSC was not willing to provide the details. The TNPSC took a specific stand in writing and for proper appreciation, the relevant portions are extracted hereunder:

“7) Further, the Commission is conducting several competitive examinations for direct recruitment to the posts in its purview all along. Usual procedure hitherto adopted as per the above mentioned Confidential O.O., is to keep the written examination marks of candidates, both admitted to OT and not admitted to OT in a sealed cover and kept in strong room. The marks of the candidates admitted to OT is taken from strong room only on the last day of OT and hosted in the Commission's website along with the OT marks on the same day itself, so that the



selection procedure is conducted in a fair manner and confidentiality also maintained. The Commission comprising of the Hon'ble Chairman and the Members are not aware of the marks obtained by the candidates in the said written examination till now, and it will be revealed to them only after the conclusion of oral test for the said recruitment.

8) The sealed cover containing the marks of the candidates who have appeared for the written examination and not admitted to oral test will be taken out from the strong room only after the finalization of selection process and will be hosted in the Commission's website. This procedure is followed in order to avert the filing of writ petitions of candidates who are not admitted to OT, which might hinder the selection process.

9) All these days the sanctity is being maintained to keep the Commission's procedure in high degree of confidentiality till the completion of entire selection process. Any deviation from the existing practice will create a precedent and watered down subsequently. Therefore, it is important not to disturb the fundamental principle which TNPSC has been following since many years. Any precedent set deviating this fundamental principle would erode the confidentiality with which TNPSC is functioning.

10) In this connection, the execution of the request of the Standing Counsel would require the confidential particulars relating to the said recruitment to be taken out from the strong room which would be contrary to the Confidential Order mentioned in para.6 above. Also, it would create a precedent for other writ petitioners related to the said recruitment, which will affect the confidentiality of the selection process which may lead to compromise in the conduct of Oral Test in a fair manner. It is



further submitted that disclosure of the marks at this stage would be against the dictum of the Hon'ble Supreme Court of India in Civil Appeal No. (3)6159-6162 of 2013 with C.A.No.5924 of 2013 and Hon'ble High Court's judgment in W.P.No.10010/2015 and 3 other writ petitions.

11) Hence, considering the above, the marks of 13 candidates (as mentioned in the e-mail) could not be disclosed at this stage. The learned senior counsel appearing on behalf of TNPSC in order to support the above stand taken by TNPSC relied upon the earlier orders passed by this court and also the judgement of this court and also the apex court in Pranav Varma's case reported in 2020 15 SCC 377."

64.It is quite unfortunate that TNPSC is refusing to reveal the marks even to the court. The earlier orders and the judgement of Supreme Court relied upon by the learned Senior Counsel will not apply to the case in hand. Those were cases where publication of marks was sought for and the same was rejected on the ground that it will tilt the balance in the oral test. In the present case, this Court wanted to satisfy itself regarding the marks obtained by the candidates falling under this batch and to see if it is lesser than the last candidate out of 226 candidates who have been selected for oral test. When it comes to producing documents before Court, unless the document involves sensitive information which



touches upon national security, no authority can refuse to part with details. If such an attitude is adopted, this Court can either force the authority to furnish the details or take adverse inference.

65. When this Court expressed its displeasure to the learned Senior Counsel appearing on behalf of TNPSC, the learned Senior Counsel fairly submitted that the list of 226 candidates will be revisited if this Court directs some of the petitioners to be added in the selection list and at that point of time, the 17 candidates falling under this batch will also be considered and if they have taken sufficient marks, they will also be accommodated in the selection list for the oral test.

66. In view of the above stand taken by the learned Senior Counsel appearing on behalf of TNPSC, the same is recorded and it is made clear that while reworking the selection list pursuant to the orders passed in this batch of writ petitions, the 17 candidates falling under this batch will also be taken into consideration and if the marks obtained by them in the written examination is sufficient to add them in the list, the same shall be done and whosoever finds the place in the selection list shall be called



for the oral test.

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67.This Court will now go into the issue involved in Batch-VIII. The petitioner in WP.No.12392 of 2021, was not selected on the ground that he acquired workshop experience even before obtaining the educational qualification. The petitioner joined the diploma in the year 1997 and he was supposed to complete it in the year 2000. However, the petitioner completed the course only in the year 2004. In the meantime, the petitioner got the experience between the period 02.01.2003 to 31.01.2004 in an approved workshop at Tiruchirappalli.

68.The notification makes it very clear that the experience should have been gained after passing the prescribed educational qualification. The learned counsel for the petitioner submitted that Rule 5 (2) of the Tamil Nadu Transport Sub-ordinate Service does not mandate that the experience should be gained only after obtaining the educational qualification. Hence, it was contended that the notification cannot override the rules.



69.The submission made by the learned counsel is not sustainable.

A close look at Explanation 3 to Section 25 of The Tamil Nadu Government Servants (Conditions of Service) Act, 2016 clearly stipulates that wherever special rules prescribe a period of experience in addition to the educational qualification for an appointment, the experience should have been acquired only after obtaining the educational qualification. Hence, the special rule that was relied upon by the learned counsel appearing on behalf of the petitioner must be understood only in the manner which the above said explanation mandates.

70.In view of the above discussion, this Court does not find any ground to interfere with the decision taken by the respondents while rejecting the candidature of the petitioner.

71.The issue that is involved in Batch-IX is that the petitioner in WP.No.13510 of 2021, has not worked as a driver in heavy vehicles.

72.The notification makes it very clear that the candidate must



have experience in driving heavy transport vehicles for a period of not less than 6 months. The Joint Transport Commissioner has given a clarification based on the report received from TNSTC, Kumbakonam to the effect that the petitioner had only worked as a technician and he never worked as heavy transport vehicles Driver in the workshop. This clarification is supported by relevant documents.

73. In view of the above, there is no ground to interfere with the decision taken by the respondents while rejecting the candidature of the petitioner.

74. Batch-X involves two writ petitions. The petitioners in both the writ petitions were rejected on the ground that the Attendant Register particulars of these petitioners were not able to be verified and confirmed.

75. The petitioner in WP.No.14245 of 2021, claimed that he got the workshop experience from an Automobile Workshop Moosa Engineering Works, Tirunelveli. On verifying the Attendance Register, it was found



to be fake since the attendance was registered for 31 days in the month of November. Obviously, it is a cooked-up document since November has only 30 days.

76.Insofar as the petitioner in WP.No.15554 of 2021, the Attendance Register that was verified contained the names of only 13 workers and whereas the notification specifically requires the experience to be gained from the approved workshop with minimum of 20 workers for major repairs.

77.In view of the above, the rejection of the candidature of these petitioners does not require the interference of this Court. Accordingly, both the petitioners falling under this batch are held to be not entitled for selection.

78.The petitioners falling under Batch-XI were rejected on the ground that the genuineness of the workshop from where they gained experience, could not be confirmed.



79.Insofar as the petitioner in WP.No.13437 of 2021, based on the particulars submitted by the learned counsel for the petitioner and verification of the same, it was found that the petitioner has gained experience in an approved workshop. Hence, the name of the petitioner has been forwarded to TNPSC. Accordingly, there shall be a direction to the TNPSC, to include the name of this petitioner in the selection list for oral test.

80.Insofar as the petitioner in WP.No.13386 of 2021, an affidavit has been filed by the petitioner along with relevant documents. This petitioner is claiming experience from 01.05.2003 up to 14 .07.2004. One Ravishankar, who also worked in the same workshop viz., Balaji Engineering Works, has been short-listed by the TNPSC in the list of 226 candidates. That apart, the copy of the register that was maintained has also been filed and the name of the petitioner has been found in Serial No.21. That apart, when the petitioner participated in the earlier selection in the year 2012, his experience was accepted from the very same workshop. In view of the same, the petitioner has established the genuineness of the workshop experience and his name has to be added in



the selection list.

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81. In the light of the above, both the petitioners are entitled to be included in the selection list for the oral test.

82. The other miscellaneous issues that were raised are as follows:

a. Petitioner in W.P.No. 14406 of 2021 was rejected on the ground that his experience certificate was found to be a fake one.

This Court directed the MVMD to once again verify and submit a report. The petitioner is claiming that he has the experience from 12.06.1989 to 30.07.2016. The Re-verification report states as follows:

“As per the re-verification report of this department, Thiru.S.Selvarasu had submitted his experience certificates in Sundaram Motors, Madras Branch from 12.06.1989 to 12.09.1989, Sundaram Motors, Vellore Branch from 16.09.1991 to 01.11.1992 and Mahasakthi body works, Chennai from 01.08.2013 to 30.07.2016. The Inspection officer / Automobile Engineer, GCAWS, Chennai had reported that the owner of the M/s.Mahasakthi Body works, Chennai had told that the experience certificate for the period from 01.08.2013 to



30.09.2016 by the candidate in his firm was not issued by him and the certificate was a fake one. His experience in Sundaram Motors for the periods 12.06.89 to 12.09.89 in Madras branch and 16.09.91 to 01.11.92 in Vellore branch was not a experience as per the TNPSC notification 6(B), since the workshop was not an approved workshop by MVMD. Hence it is submitted not to consider the workshop experience of the candidate.”

It is clear from the above that the first two periods did not fall within the approved period of the concerned workshop. Insofar as the third period is concerned, the owner has given a letter that the petitioner has never worked in the workshop and the certificate produced by the petitioner is fake.

Mr.N.Jothi learned counsel appearing for the petitioner submitted that the petitioner had participated in the earlier selection pursuant to a notification issued in 2009 and the non-selection of the petitioner was put to challenge in WPNo.24875 of 2010 and the writ petition was admitted and one post was directed to be kept vacant. In the considered view of this Court, the earlier Writ petition filed by the petitioner has nothing to do with the present selection. The petitioner has independently applied



under the 2018 notification and his candidature has been rejected. This Court does not find any ground to interfere with the rejection of the petitioner.

b.The petitioner in WP No. 22781 of 2021 was an ex-service personnel and he claimed that he gained experience from an approved workshop for the period from 27.8.1997 to 30.11.2012. The candidature of the petitioner was rejected on the ground that the department was not able to confirm the existence of the workshop.

It is seen from the documents filed before this court that the workshop in question is an army workshop and it is an approved workshop. This workshop shifts its unit from place to place and presently, it is located at Baramulla at Jammu and Kashmir. The workshop had shifted to various places like Ambala, Bangalore etc., at different periods of time. It is only for this reason that the department was not able to locate the workshop in Bangalore since by then, the unit has been shifted to Jammu and Kashmir.

In the considered view of this Court, the explanation given by the



petitioner is satisfactory and it is supported with relevant documents.

Hence, the candidature of this petitioner shall not be rejected. There shall be a direction to the TNPSC to add the name of the petitioner in the selection list for the oral test.

c. The petitioner in WP.No.12776 of 2020, was rejected on the ground that he did not have a valid driving license on the date of notification.

The TNPSC has filed an affidavit and the stand taken at paragraph no. 14 of the affidavit is extracted hereunder:

“14. Further, the Joint Transport Commissioner in his letter dated 26.07.2022 has stated that the Salem Regional Transport Officer has stated that the individual Thiru.R.Venkatesan, who had possessed Non-Transport driving license expired on 06.06.2016, but subsequently he applied for renewal, accordingly his Non-Transport driving license was renewed from 21.02.2018 to 20.02.2023. Further, he has enclosed the copy of extract of driving license of Thiru.R.Venkatesan and also stated that the individual did not possess valid driving license on 14.02.2018 i.e. on the date of notification while applying for the post of Motor Vehicles Inspector, Grade-II. The individual was having a



valid driving license on 21.02.2018.”

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The notification specifically prescribes that a candidate should have a valid driving license on the date of notification. The petitioner was not having a valid driving license to drive motor cycle. The license expired on 06.06.2016 and it was renewed only on 21.02.2018 and hence the petitioner did not have a valid license on the date of notification i.e., on 14.02.2018.

In view of the above, the rejection of the candidature of this petitioner does not require the interference of this court.

d. The learned Senior Counsel appearing on behalf of some of the petitioners submitted that the rule of reservation was not strictly followed at every stage and hence, the entire selection is bad and it requires the interference of this Court.

The learned Senior Counsel appearing on behalf of TNPSC submitted that all the 226 candidates were called for oral test only after applying the rule of reservation and the TNPSC is strictly following

Section 27 of The Tamil Nadu Government Servants (Conditions of



Service) Act, 2016.

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The specific stand taken by TNPSC has to be taken note of and the selection cannot be interfered at this stage on the assumption that the rule of reservation has not been followed. The entire picture will get clearer only after the final list of selected candidates is published after the oral test.

Hence, this Court is not inclined to interfere with the selection on the assumption that the rule of reservation was not followed.

e.The learned counsel appearing on behalf of some of the petitioners submitted that TNPSC has entertained candidates who have completed B.E, degree and they did not even get the equivalence certificate and hence their candidature must be rejected.

In reply to the above submission, the learned Senior Counsel appearing on behalf of TNPSC submitted that Explanation 2 to Section 25 of The Tamil Nadu Government Servants (Conditions of Service) Act, 2016, states that when a diploma in a particular subject is prescribed, then a degree in that subject shall be deemed to be a higher qualification. The learned senior counsel also relied upon the earlier orders passed by this court in WANos.1306 , 2321 of 2019 and 237 of 2022.



In the considered view of this Court, the submission made by the learned Senior Counsel appearing on behalf of TNPSC sufficiently answers the grievance expressed by the counsel appearing for some of the petitioners. Hence this Court is not inclined to interfere with the selection on this ground.

f. It was also pointed out that Clause 10 of the notification was not strictly complied with. In reply to the same, the learned Senior Counsel appearing on behalf of TNPSC submitted that this ground was raised even during the pendency of these batch of writ petitions and the same has been dealt with and orders have been passed and confirmed by the Division Bench. To substantiate the same, the learned Senior Counsel also pointed out to paragraph 33 and 34 of earlier order passed on 24.01.2020 and paragraph 64 of the order passed by the Division Bench dated 18.08.2020.

The above submission, sufficiently answers the contention regarding the non fulfilment of Clause 10 of the notification. Hence, there is no ground to interfere with the selection for the alleged non-fulfilment of Clause 10 of the notification.



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83. In the light of the above discussions, this Court has dealt with all the issues that were raised and has answered the same under the concerned heads. TNPSC is directed to complete the selection process and publish the final selection as early as possible, since the selection is still pending from the year 2018 onwards. Accordingly, all the writ petitions are disposed of in the above terms. No costs. Consequently, all the connected miscellaneous petitions are closed.

10.02.2023

KP

Internet : Yes

Index : Yes

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1. The Secretary

Tamil Nadu Public Service Commission
TNPSC Road, Park Town, VOC Nagar
Chennai 600 003.

2. The Transport Commissioner

Chepauk, Chennai.

N.ANAND VENKATESH, J.



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Pre- Delivery Common Order in

W.P.Nos.12776,16090/2020 11656, 11657,11659,11664,11717, 11821,11824,
11832,11848,12026,12041,12089,12090,12091,12095,12096,12097,12098, 12100,
12107,12114,12115,12116,12118,12130,12132,12136,12147,12149, 12150, 12151,
12152,12153,12154,12335,12358,12375,12391,12392,12403,12411,12420,
12527,12536,12537,12639,12754,13001,13002,13067,13366,13386, 13437,
13500, 13504,13510,13570,14245,14262,14362,14406,14802,15330,
15548,15554, 15987, 22781,28055 of 2021,W.P.Nos.26382 and 31899 of 2022

10.02.2023

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