



W.P.Nos.32402 & 32410 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.32402 & 32410 of 2022 &

WMP.Nos.31802, 31803 31804, 31809, 31810, 31816,

31818, 31819, 31820, 31322 of 2022

S.Maniram

... Petitioner in W.P.No.
32402 of 2022

Pradeepkumar M.

... Petitioner in W.P.No.
32410 of 2022

Vs

The Secretary,
Tamil Nadu Public Service Commission,
Esplanade, George Town, Chennai.

... Respondent in both WPs

Prayer in W.P.No.32402 of 2022 :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in relation to the Provisional Selection List to the post of Assistant Director of Horticulture in the Tamil Nadu Horticultural Service, 2019-2020 dated 15.02.2022 under the Notification No.3/2021 vide Advertisement No.578 dated 05.02.2021 published by the respondent and quash the same as illegal and



W.P.Nos.32402 & 32410 of 2022

consequently direct the respondent to consider the petitioner's paper -2 General Studies marks for Assistant Director of Horticulture Exam treating it as a common paper for Notification No.3/2021 and No.4/2021 dated 05.02.2021 in view of respondent's Email Communication and consequently direct the respondent to conduct oral test as petitioner and appoint the petitioner for the post of Assistant Director of Horticulture and in view of judgment passed by this Madurai Bench of Madras High Court in W.P.[MD] No.13447/2022 and W.P.[MD] No.6335/2022.

Prayer in W.P.No.32410 of 2022 :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in relation to the Provisional Selection List to the post of Assistant Director of Horticulture in the Tamil Nadu Horticultural Service, 2019-2020 dated 15.02.2022 under the Notification No.3/2021 vide Advertisement No.578 dated 05.02.2021 published by the respondent and quash the same as illegal and consequently direct the respondent to consider the petitioner's paper -2 General Studies marks for Assistant Director of Horticulture Exam treating it as a common paper for Notification No.3/2021 and No.4/2021 dated 05.02.2021 in view of respondent's Email Communication and consequently direct the respondent to conduct oral test as petitioner stands in the 5th rank among the Most Backward Caste category and 22 rank in ranking list, even if the petitioner was provided with minimum oral test marks as per ranking list, and also the petitioner stands 1st rank



W.P.Nos.32402 & 32410 of 2022

among the Most Backward Caste Category and 6th rank in ranking list, if the petitioner was provided with maximum oral test marks as per ranking list and further direct the respondent to appoint the petitioner for the post of Assistant Director of Horticulture and in view of judgment passed by this Madurai Bench of Madras High Court in W.P.[MD] No.13447/2022 and W.P.[MD] No.6335/2022.

For Petitioner : Mr.C.Masilamani

For Respondent : Mr.I.Abrar Mohamed Abdulla

COMMON ORDER

These Writ Petitions have been filed to quash the Provisional Selection List to the post of Assistant Director of Horticulture in the Tamil Nadu Horticultural Service, 2019-2020 dated 15.02.2022 under the Notification No.3/2021 vide Advertisement No.578 dated 05.02.2021 published by the respondent as illegal and consequently direct the respondent to consider the petitioners paper -2 General Studies marks for Assistant Director of Horticulture Exam treating it as a common paper for Notification No.3/2021 and No.4/2021 dated 05.02.2021 in view of respondent's Email Communication and consequently direct the respondent to appoint the petitioners for the post of Assistant Director of



W.P.Nos.32402 & 32410 of 2022

Horticulture and in view of judgment passed by this Madurai Bench of Madras High Court in W.P.[MD] No.13447/2022 and W.P.[MD] No.6335/2022.

2. The grievance of the writ petitioners is that Tamilnadu Public Service Commission published two Notifications vide No.3 and No.4 dated 05.02.2021 and in both the notifications, the general studies examination is on 18.04.2021 afternoon and the same reads as follows :

Date and time fixed for Written Examination to the Post of Agricultural Officer [Extension] :

S.No.	Subect	Date & Time
1.	Paper -1 Agriculture [Degree Standard] Code No.284	18.04.2021 fore noon 10.00 A.M. to 01.00 PM
2.	Paper - 2 General Studies [Degree Standard] and Aptitude & Mental Ability Test [S.S.L.C. Standard] Code No.003	18.04.2021 After noon 03.00 PM to 05.00 PM



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W.P.Nos.32402 & 32410 of 2022

Date and time fixed for Written Examination to the Post
of Assistant Director of horticulture and Horticultural Officer :

S.No.	Subect	Date & Time
1.	Paper - 2 General Studies [Degree Standard] and Aptitude & Mental Ability Test [S.S.L.C. Standard] Code No.003	18.04.2021 After noon 03.00 PM to 05.00 PM
2.	Paper 1 Horticulture [P.G.Degree STD Code No.279	19.04.2021 Fore Noon 10.00 A.M to 01.00 P.M

Hence, the candidates who have applied for Assistant Director of Horticulture and Assistant Director of Horticulture and Horticultural Officer cannot write general studies paper separately for the different notification except to attend on the same day irrespective of their subject registration number. The petitioners were qualified for both the posts. Both exams contain Paper 1 and Paper 2 and paper 1 is based on qualification either Degree standard or post graduate degree standard. But the paper 2 is same for both the exams, i.e., general studies [degree standard] and aptitude & Mental Ability Test [S.S.L.C. Standard]. Since, both exams have common general studies paper 2 exam, the date fixed for the exam is also same, that is on 18.04.2021. Hence, challenging the same, the present Writ Petition has been filed.



W.P.Nos.32402 & 32410 of 2022

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3. I have perused entire materials available on record. It is not disputed that General studies is common to all the three posts and the examination was held on 18.04.2021 and 19.04.2021. Since, the examination is on the same day, the writ petitioners cannot take part in Written examination meant for Agricultural Officer and Assistant Director of Horticulture and Horticultural Officer. The general studies paper is general in nature. In similar matter, the Madurai Bench of Madras High Court has dealt with the same issue in W.P.[MD] 13447 of 2022, wherein this Court passed the following Order :

9. The writ petitioner is a woman and she belongs to scheduled caste. However, I am conscious that the outcome of this writ petition cannot depend on this factor. The writ petitioner had applied in response to the recruitment notifications issued by TNPSC. Two notifications had been issued for three posts. While Notification No.3/2021 pertained to the post of Horticultural Officer and Assistant Director of



W.P.Nos.32402 & 32410 of 2022

Horticulture, Notification No.4 pertained to the post of Agricultural Officer(Extension). It is not in dispute that for each post, a candidate has to write two papers namely the subject paper and the general studies paper. The general studies paper (degree standard) was common to all the three posts. The written examinations were held on 18.04.2021 and 19.04.2021. The candidates had a doubt if they had to make a choice. One of the candidates namely Thiru.Arunesh sought clarification from TNPSC. TNPSC responded from their official E.Mail ID that since the general studies paper is going to be common to all the three posts, the question of choice will not arise at all and that the candidate can take part in the written examination meant for both the posts. It is true that this clarificatory E.Mail was received by Thiru.Arunesh and not the writ petitioner. But the clarification was rather general in nature and not candidate specific. The writ petitioner's counsel would categorically assert that the said Arunesh



W.P.Nos.32402 & 32410 of 2022

was an acquaintance of the writ petitioner and that he had shared the E.Mail with the petitioner. The respondent having clarified the position cannot now go back on the same. If the respondent had not issued the clarificatory E.Mail as mentioned above, the writ petitioner probably would have written the subject paper for Horticultural Officer. Of-course, I cannot set aside the provisional selection list. However, the consequential prayer will have to be necessarily granted.

10. The respondent will treat the general studies mark obtained by the writ petitioner under Registration No.2601002158 for the purpose of her selection for the post of Assistant Director of Horticulture. The respondent will hold a special oral test for the writ petitioner and issue appropriate orders. The exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



W.P.Nos.32402 & 32410 of 2022

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The petitioners are similarly situated persons and they also suffered on the basis of the same notification. Hence, the petitioners are also entitled to same benefits.

4. In such view of the matter, the respondent shall treat the general studies mark obtained by the writ petitioners under Registration No.2501001131 and 1701004127 respectively for the purpose of their selection for the post of Assistant Director of Horticulture. The respondent will hold a special oral test for the writ petitioners and issue appropriate orders. The exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, these Writ Petitions are allowed. Consequently, connected miscellaneous petitions are closed. No costs.

01.08.2023

Index:Yes/No

Neutral Citation : Yes/No

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W.P.Nos.32402 & 32410 of 2022

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To,

1. The Director of Town Panchayats,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai – 28.
2. The Executive Officer,
Vazhappadi Selection Grade Town Panchayat,
Salem District.
3. The Director of Local Fund Audit,
Integrated Complex for Finance Department,
8th Floor, Saidapet, Animal Husbandry Hospital Campus,
Nandanam, Chennai – 35.



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W.P.Nos.32402 & 32410 of 2022

N.SATHISH KUMAR, J.

VTC

WP.Nos.32402 & 32410 of 2022

01.08.2023