



W.P(MD)No.5463 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5463 of 2023

and

W.M.P.(MD)Nos.5100, 5103 & 5105 of 2023

D.Cyjin Jojes

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai-600 003.

2.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai-600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the issuance of the list of provisionally admitted to oral test in the ration of 1:2/1:3 (Posts not requiring experience) dated 22.02.2023 on the file of the second respondent and quash the same insofar as the petitioner is concerned and direct the respondents to consider the candidature of the petitioner for oral test for the post of Assistant Engineer (posts not requiring experience).



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For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.T.Wins

For Respondents : Mr.Isaac Mohanlal
Senior Counsel
assisted by Mr.J.Anand Kumar
Standing Counsel

ORDER

Heard the learned senior counsel on either side.

2. TNPSC issued recruitment notification inviting applications from eligible candidates for various posts in the combined engineering services. The petitioner belongs to BC category. The petitioner took part in the written test. However, he was not called for oral examination. The reason for the petitioner's exclusion was on account of the application of the shortlisting criteria vis-a-vis each reserved category.

3. The learned senior counsel reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. However, I am not in a position to consider the same for the simple reason that the issue has already been concluded by the Hon'ble Division Bench



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in the decision reported in (2015) 5 MLJ 44 (B.Yamunadevi Vs. Tamil Nadu

Public Service Commission). Paragraph No.25 of the said decision reads as follows:-

“25. As a matter of fact, the Public Service Commission could have done two things. The first is that they could have arranged all the 810 candidates who had passed the written examination in the order of merit and invited only the first 324 candidates for viva-voce. If they had done so, some of the reserved categories would have been left out of the race. Then, the purpose behind the rule of reservation would have got defeated and Rules 21(b) and 22 of the General Rules would have been rendered a dead letter. The second alternative for the Public Service Commission was to call twice number of candidate in each category. This would ensure that the rule of reservation is not defeated. The Public Service Commission has chosen to follow the second alternative. Therefore, the contention that the Public Service Commission had applied the rule of reservation even before interview, is not well founded. Hence, it is rejected. ”

5. In view of the same, I sustain the stand of the learned senior counsel appearing for the Commission. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.03.2023

Index : Yes / No
Internet : Yes/ No
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NOTE:Issue Order Copy on 24.03.2023



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G.R.SWAMINATHAN, J.

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