



W.A.(MD)Nos.1832 of 2021 & batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2023

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)Nos.1832 to 1847 of 2021 & 1800, 1805, 1806, 1808, 1809
1818, 1828, 1829, 1830 of 2021
& CMP(MD)Nos.7750, 7779, 7780, 7806, 7808, 7899, 7978, 7979,
7980, 7989 to 7995, 7997 to 7999, 8002 to 8005, 8007 & 8008 of 2021

W.A.(MD)Nos.1832 of 2021:

1.The Secretary,
Tamil Nadu Public Service Commission,
VOC Nager, Park Town,
Chennai – 600 003.

2.The Controller of Examination,
Tamil Nadu Public Service Commission,
VOC Nager, Park Town,
Chennai – 600 003.

...Appellants

/Vs./

M.Nisha

...Respondent

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to
allow the above writ appeal and dismiss W.P.(MD)No.5812 of 2020
dated 07.07.2021.

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For Appellants : Mr.V.Panneer Selvam
TNPSC Standing Counsel
For Respondent : Mr.R.Santhanam

COMMON JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

This batch of 25 writ appeals (16 listed in the regular list and 9 listed by way a Special list based on the particulars furnished by the parties as involving identical issues) is disposed by way of this common order.

2. Various candidates had filed writ petitions seeking to quash proceedings No.Nil, dated 06.03.2020 of the Tamil Nadu Public Service Commission (in short 'TNPSC'). The provisionally selected candidates, based on original certificate verification and counselling for various posts in Combined Civil Services Examination – IV (Group – IV) for the period 2018-2019 and 2019-2020 were aggrieved by their non-selection.



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3. Pending these writ appeals, TNPSC had challenged an order passed by the Principal Bench of this Court in an identical batch of writ appeals and had interalia filed an affidavit to the effect that relaxation would be granted as one time concession to those candidates who had agitated the matter.

4. The affidavit was taken on record and the following order was passed by the Hon'ble Supreme Court on 01.05.2023 in Special Leave to Appeal (C) No.4357/2020 referring to the earlier order passed on 07.02.2023:

“1. During the course of hearing, it has transpired that there are 18 Writ Petitions pending before the Single Benches of the High Court of Judicature at Madras whereas 49 matters are pending at the stage of Writ Appeal before the Division Benches of the said High Court.

2. Similarly, 12 Special Leave Petitions are pending before this Court. All these cases involve the question whether the High Court, in exercise of its Writ Jurisdiction, could grant an opportunity to the respondents - candidates, who have applied for various posts advertised by the Tamil Nadu Public Service Commission, to submit the requisite documents to prove their eligibility even after the cut-



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off date(s). The High Court has granted one time concession on the premise that the meritorious candidates are not over-looked.

3. It appears to us that the Tamil Nadu Public Service Commission can take a conscious decision to grant one time concession to the candidates who are in lis before one or the other Judicial Forum, subject to the condition that no such relaxation shall be admissible to the candidates who have not approached the Court so far, and whose claim, at this belated stage, would be hit by the principle of delay and laches.

4. Learned Senior counsel for the petitioner - Tamil Nadu Public Service Commission seeks and is granted four weeks' time to take appropriate instructions."

5. Effect has been given to that order and today, Mr.Pannerselvam, learned counsel appearing for the appellants would confirm that letters have been issued to all the candidates in pursuance of the directions of the Hon'ble Supreme Court.

6. In light of the above, nothing survives in these writ appeals barring W.A.(MD)No.1818 of 2021. Recording this, the above Writ Appeals barring W.A.(MD)No.1818 of 2021 are closed.



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7. As regards W.A.(MD)No.1818 of 2021, the position is slightly different, insofar as, upon consideration of the documents that have been filed, TNPSC has found that the candidate does not satisfy the parameters for selection and hence, her candidature has been rejected.

8. The reason set out for rejection is in terms of Section 20(A) (ii) read with Explanation I (i) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. The candidate appears to have applied in Destitute Widow category, which requires an income certificate of an amount of not more than Rs.4,000/-, as against which certificate produced indicates income of Rs.5,500/-. Hence, she does not fall within the zone of consideration. This Writ Appeal is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[A.S.M.J.] & [R.V.J.,]
19.07.2023**

NCC :Yes/No
Index :Yes/No
Internet :Yes
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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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Common Judgment made in
W.A.(MD)Nos.1832 to 1847 of 2021 &
1800, 1805, 1806, 1808, 1089,
1818, 1828, 1829, 1830 of 2021

Dated:
19.07.2023