



W.P.(MD).No.20474 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.20474 of 2023

and

W.M.P(MD)Nos.16931 & 16933 of 2023

Lakshmanan

... Petitioner

Vs.

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

2.The Under Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town,
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 relating to the impugned Provisional Selection List issued by the first respondent, dated 11.07.2023 and the consequent impugned Provisional Selection List issued by the first respondent, dated 14.08.2023 and to quash the same and consequently direct the respondents to include the name of the



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petitioner in the selection list for appointment to the Combined Civil Services Examination - IV (Group-IV Services) under the respective category.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.V.Paneerselvam
Standing Counsel

ORDER

The present writ petition has been filed seeking to quash the impugned Provisional Selection List issued by the first respondent on 11.07.2023 and the consequential Provisional List of the first respondent, dated 14.08.2023 and to direct the respondents to include the name of the petitioner in the selection list for the appointment of Combined Civil Services Examination - IV (Group-IV Services) under respective category.

2. The petitioner is working as a Gramin Dak Sevak Branch Post Master in Tirunelveli District. The said services are governed by the Department of Posts Gramin Dak Sevaks (Conduct and Engagement) Rules, 2020. According to the petitioner, it is a part time job. A perusal of the said rules indicate that the employee, who is governed by the rules shall not be required to perform duty



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beyond a maximum period of five hours in a day. As per rule 3-A, it has been further clarified that the Sevak shall be outside the Civil Service of the Union.

3. While the petitioner was in such a part time job, the first respondent had issued a notification No.07/2022, dated 30.03.2022 inviting applications for Combined Civil Services Examination Group-IV for direct recruitment. The petitioner having possessed all the qualifications, he had appeared for the said examination and he had uploaded all the certificates that were called for in the brochure. As per the notification, whenever an applicant is working in a Government Department, he has to upload the No Objection Certificate from the concerned Department. However, the petitioner had uploaded a letter to the effect that being a part time job and not falling within the Services of the Union, his Department is not used to issue such kind of No Objection Certificates. In the said letter, the petitioner has further stated that he would resign the job and could immediately join the post, if he is selected.

4. On 11.07.2023, the first respondent published the provisional list in which the name of the petitioner was missing even though he had secured 518th



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communal rank. Hence, he has filed the present writ petition challenging the Provisional Selection Lists, dated 11.07.2023 and 14.08.2023.

5. The respondents herein have filed a counter contending that the petitioner is working as a Branch Post Master in Gramin Dak Sevak of the Department of Post, Government of India. Therefore, it is mandatory on the part of the petitioner to upload No Objection Certificate from his employer. In the present case, the petitioner having not uploaded such an NOC, his name was not considered for selection.

6. The writ petitioner brought to the notice of the Court the service regulations for a Branch Post Master under the Gramin Dak Sevaks (Conduct and Engagement), Rules 2020 which clearly indicates that it is a part time job and it is outside the Civil Services of the Union. The learned Counsel for the writ petitioner also relied upon a communication issued by the Department with regard to another candidate, in which it is clarified that there is no provision in Gramin Dak Sevak Rules to issue NOC for appearing for examination in some other Department.



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7. Considering the above said facts, it is clear that the petitioner was working as a part time employee on a contractual basis and the said Department has also made a communication to the effect that they do not have any provision for issuing such NOC's for appearing for the examination that are conducted by the other Departments. Considering the peculiar circumstances of this case, the respondents herein are directed to include the name of the writ petitioner in the Provisional Selection List and proceed further in accordance with law and incase if the petitioner falls within the zone of consideration, issue an appointment order, within a period of twelve (12) weeks from the date of receipt of a copy of this order. This order is being issued considering the peculiar circumstances of this case and this cannot be cited as a precedent by any other employee working in any other Department.

8. With these observation, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

12.10.2023



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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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R.VIJAYAKUMAR, J.

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