



WEB COPY



W.P.(MD)No.26017 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.26017 of 2023

and

W.M.P(MD) Nos.22392 and 22393 of 2023

S.Revathi

... Petitioner

Vs.

The Under Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai – 600 006.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in C.No.797/PSD-F1/2023 on the file of Respondent and quash the same as illegal to the extent of making the appointment of the petitioner to the post of Typist subject to the outcome of the criminal case and consequently to direct the Respondent to permit the petitioner to join duty in the recruited post of Typist within the time stipulated by this Hon'ble Court.



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For Petitioner : Mr.S.Louis
For Respondent : Mr.V.Paneerselvam
Standing Counsel

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

Writ on hand has been instituted questioning the validity of the order passed by the Tamil Nadu Public Service Commission, stating that the provisional selection of the petitioner for appointment to the post of Typist, Principal District Judge, Thoothukudi, is subject to the outcome of the Criminal Case pending against her.

2. Admittedly, the Criminal Case was registered against the petitioner under Sections 302, 201 and 203 I.P.C. The said case is pending before the Additional District Court, Virudhungan, in S.C.No.69 of 2022. The petitioner participated in the process of selection pursuant to the recruitment notification issued by the Tamil Nadu Public Service Commission and she was successful and was selected. However, the Tamil Nadu Public Service Commission has not recommended her appointment to the appointing authority since the petitioner is facing criminal trial.



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3. Mere selection would not confer any right to seek appointment.

Appointment is to be made by the competent appointing authority on verification of antecedents, suitability and eligibility and based on the selection. No doubt the petitioner has been selected by the Tamil Nadu Public Service Commission, but it is found that she is facing a criminal case and the appointing authority has not passed any orders. That being the factum, the selection *per se* would not confer any right to the petitioner and thus, we are not inclined to entertain the Writ Petition.

4. Accordingly, the Writ Petition stands dismissed. No costs.
Consequently connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)
31.10.2023

NCC : Yes / No
Index : Yes / No
SJ



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