



WEB COPY

W.P.No.1750 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 29.02.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM  
and**

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P.No.1750 of 2024**

**and**

**W.M.P.Nos.1800, 1801, 1804, 1805 and 1806 of 2024**

1. Julius Mera Smith
2. Abisha
3. Tamizharasi
4. Silambarasan
5. Gokila
6. Mohammed Ashish
7. Priyasri
8. Keerthiga
9. Tamilvanan
10. Gayathri
11. Jayameena
12. Sowmiya
13. Ananth
14. Ibrahim
15. Tharaniraj
16. Archana

... Petitioners

**Vs.**

1. The Secretary,  
Tamil Nadu Public Service Commission,  
TNPSC Road, Park Town,  
Chennai – 600 003.
2. The Registrar General,  
High Court of Madras, Chennai – 600 104.



3. C.Sanjai Baba

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records of the 1<sup>st</sup> Respondent pertaining to the impugned candidates provisionally admitted to VIVA VOCE Test list published on 05.01.2024 in connection with the selection process for post of Civil Judge in the Tamil Nadu State Judicial Service - 2023 vide Notification No. 12/2023 dated 01-06-2023 quash the same as illegal, and declare the notification Para 18(f),18(n) and 21 sub clause (a),(b),(c) and (d) for post of Civil Judge in the Tamil Nadu State Judicial Service - 2023 notification 12/2023 dated 01-06-2023 as null and void, consequently direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to produce the petitioners copy of the Mains Exam papers and mains exam marks for the notification 12/2023 dated 01.06.2023 by considering Petitioners email representation dated 16.01.2024, and to appoint the Petitioners based on the marks secured if petitioners comes under zone of consideration in the Mains written examination for post of Civil Judge in the Tamil Nadu State Judicial Service - 2023 notification 12/2023 dated 01.06.2023 within the time stipulated by this Honble Court.

For Petitioner : Mr.M.Dinesh

For R1 : Mr.R.Bharanidharan,  
Standing Counsel for TNPSC

For R2 : Mr.B.Vijay

For R3 : Given up vide affidavit in  
W.P.No.4399 of 2024 dated 05.02.2024

## **ORDER**

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

The writ on hand has been instituted to call for the entire records of the 1<sup>st</sup> Respondent pertaining to the impugned candidates provisionally



admitted to VIVA VOCE Test list published on 05.01.2024 in connection with the selection process for post of Civil Judge in the Tamil Nadu State Judicial Service - 2023 vide Notification No. 12/2023 dated 01-06-2023 quash the same as illegal, and declare the notification Para 18(f),18(n) and 21 sub clause (a),(b),(c) and (d) for post of Civil Judge in the Tamil Nadu State Judicial Service - 2023 notification 12/2023 dated 01-06-2023 as null and void, consequently direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to produce the petitioners copy of the Mains Exam papers and mains exam marks for the notification 12/2023 dated 01.06.2023 by considering Petitioners email representation dated 16.01.2024, and to appoint the Petitioners based on the marks secured if petitioners comes under zone of consideration in the Mains written examination for post of Civil Judge in the Tamil Nadu State Judicial Service - 2023 notification 12/2023 dated 01.06.2023 within the time stipulated by this Honble Court.

2. The learned counsel for the writ petitioner, Mr.M.Dinesh would submit that the clause indicating that, during the process of recruitment from notification till completion of selection process, no information under the Right to Information Act, CM Cell Petition would be furnished is causing infringement of the right of the writ petitioner to seek particulars from the



recruiting agency. Admittedly, certain clauses in the recruitment notification are under challenge in the present writ proceedings.

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3. The learned counsel for the Tamil Nadu Public Service Commission, Mr.Bharanidharan would oppose the contention by stating that the writ petitioner had participated in the process of selection by accepting the terms and conditions stipulated in the recruitment notification. Thus, he cannot turn around and challenge the said clauses after participating in the process of selection.

4. In the present case, the learned counsel for the Tamil Nadu Public Service Commission, Mr.Bharanidharan would submit that the marks secured by the unsuccessful candidates will be published after completion of the process of selection. Large number of candidates are participating in the process of selection. The Tamil Nadu Public Service Commission publishes the mark-list only in respect of the selected candidates at first instance and after completion of process, the marks secured by the unsuccessful candidates will be published.

5. The procedures, as contemplated under the regulations are to be



followed. In order to avoid unnecessary conflicts and disputes, such Rules are stipulated and the petitioner, accepting the said Rules, has participated in the process of selection. Thus, the challenge made against the recruitment notification and its terms are untenable.

6. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)  
29.02.2024

skr

Index : Yes

Speaking order

To

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

2. The Registrar General,  
High Court of Madras, Chennai – 600 104.



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**S.M.SUBRAMANIAM, J.**  
**and**  
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