



W.A.No.96

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM:

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR
and
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**W.A.No.961 of 2020
and C.M.P.No.11606 of 2020**

The Secretary,
Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road,
V.O.C.Nagar,
Park Town, Chennai – 600 003.

...Appellant

vs.

K.Sangeetha

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act, being aggrieved by the order dated 13.12.2018 of the learned Single Judge made in W.P.No.32998 of 2018 on the file of this Court.

For Appellant : Mrs.G.Hema

For Respondent : No appearance



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J U D G M E N T

(Judgment of the Court was delivered by K.KUMARESH BABU, J.)

This Intra Court Appeal has been preferred by the Tamil Nadu Public Service Commission as being aggrieved against the order of the learned Single Judge directing the appellant to permit the respondent to participate in the counselling and declare the final results.

2.We have heard Mrs.G.Hema, learned counsel appearing for the appellant. In spite of notice being served on the respondent, the respondent had neither appeared in person nor represented by a counsel.

3.At the outset, learned counsel for the appellant would submit that the issue in this Writ Appeal is no longer *res integra* in view of a judgment of the Division Bench made in W.A.No.3768 of 2019 dated 05.09.2023.

4.The aforesaid Division Bench judgment relied upon by the learned counsel for the appellant was a judgment made by the Division Bench of which we were part. After examining the issue involved in the Writ Appeal which is similar to that in this Writ Appeal and after considering the various Division Bench Judgments of this Court and also the Hon'ble Apex Court, had come to a



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had not been followed in filling up the applications or if wrong claim or incorrect particulars have been given in the said application, the same is liable to be rejected and that the sympathy factor cannot override a legal position.

5.We see no reason to differ from our earlier decision made in W.A.No.3768 of 2019 dated 05.09.2023.

6.In the result, the Writ Appeal is allowed and the order impugned in the Writ Petition is set aside. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.S.K.,J.) (K.B.,J.)
04.01.2024

Index: yes/no
Speaking order:yes/no
Neutral Citation:yes/no
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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

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