



W.P.No.19718 of 2016

Examination pursuant to the notification No.1 of 2014 dated 06.02.2014 and consequently direct the TNPSC to forward the name of the petitioner to the concerned department so as to get appointment order to the petitioner to join the post with effect from the date on which the selectees of the above notification No.1 of 2014 joined the post with all consequential service and monetary benefits.

For Petitioner : M/s.G.Sridevi

For Respondents :
(for R1 & R2) : M/s.G.Hema

ORDER

The petitioner has filed the above writ petition seeking a mandamus to the 1st respondent to declare the petitioner as selected in the Group II A Examination pursuant to the Notification No.1 of 2014 dated 06.02.2014 and consequently direct the 1st respondent to forward the name of the petitioner to the concerned department for appointment.

2. It is the case of the petitioner that he comes from a poor family and had lost his father who was an agricultural coolie in the



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year 1991. The petitioner's mother had single handedly raised her children which included the petitioner. The petitioner would submit that he had completed his B.A. History in the year 2013 and was doing sundry jobs to take care of his family.

3. In the month of February 2014, the 1st respondent called for applications for the Combined Civil Services Examination-II (Non-interview posts) (Group II-A Services) vide Notification No.1/2014 for 2269 vacant posts of Personal Clerk, Assistants and Lower Divisional Clerks in various departments in the Tamil Nadu Ministerial Service/Secretariat Services/Legislative Assembly Secretariat Service. The qualifications prescribed for the above said posts was graduation in BA/B.Sc./B.com. For certain posts, like Legislative Assembly Secretariat Services, an additional Technical Qualification such as Higher Grade in Typewriting and Shorthand was prescribed. The age limit as on 01.07.2014 was prescribed to be between 18 and 30 years.



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4. The petitioner had applied online for the said post on 13.02.2014 and was given a Registration Id.No.401089639. He had also received his hall ticket with a Registration No.012315061 for the written examination that was scheduled to be held on 29.06.2014 between 10 a.m. to 1 p.m. and the venue was PAK Palanisamy Higher Secondary School, Old Washermanpet. The petitioner had also written the examination to the best of his ability.

5. The petitioner would submit that 5 months after he had written the examination, the officials from the 1st respondent's office had visited his residence on 27.11.2014 and handed him a letter dated 26.11.2014 directing him to appear at the office of the Controller of Examination in the 1st respondent's office at 11 a.m. on 28.11.2014. A copy of the letter was also received by him through Speed Post. On 28.11.2014, the petitioner went to the office of the 1st respondent as directed where he was questioned regarding the examination he had already taken, including where he had written the exam, his residential address, email address, and whether he had submitted his answer



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sheet. The petitioner then wanted to know why he was subjected to this questioning at which point in time he was told that it was only to cross verify the residential address in the identity card. They had also threatened the petitioner to sign a typed paper and to fill up a questionnaire form which was turned down by the petitioner. In fact, the officials had gone to the extent of manhandling the petitioner.

6. It is his further case that on 04.12.2014 once again an official from the 1st respondent's office had forcibly attempted to hand over a hall ticket for the written examination scheduled to be held on 08.12.2014. The petitioner refused to receive the same. Thereafter, the said person along with the V.A.O. of the Village Panchayat and his assistant forcibly affixed the hall ticket on the front wall of his house. The hall ticket was also sent by Registered Post which the petitioner had received after the scheduled date of the examination.

7. The petitioner would submit that he had sought for the production of his answer sheet under the RTI Act by his letter dated 17.12.2014. However, he did not receive any reply from the Public



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Information Officer of the 1st respondent. Therefore, he had preferred

an appeal under the RTI Act to the Appellate Authority of the 1st respondent. Even then he did not receive any reply. Therefore, a second appeal was preferred before the Tamil Nadu Information Commission on 11.03.2015 and the Public Information Officer vide memo dated 06.04.2015 informed the petitioner that the information regarding the answer sheet was already given to him by the 1st respondent on 28.11.2014.

8. The petitioner would submit that the sole reason for not publishing his result is because the answer sheet has been lost. He would submit that for the fault of the officials, he cannot be made to suffer and therefore the interest of justice would be met by giving him a selection for the post of Personal Clerk, Assistant and Lower Divisional Clerk in any one of the vacancies. Therefore, the petitioner has come forward with the writ in question.

9. The respondents have filed a counter in which it has been stated that the petitioner was one of the candidates who had appeared



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for the competitive examination held on 29.06.2014. After the examination was over, all the OMR answer sheets were received in the Commission's office and were subjected to scanning there. While scanning, it was found that the answer sheet pertaining to the candidate bearing Registration No.012315061 was missing.

10. Thereafter, the Chief Invigilator, the Invigilator of the concerned school, namely, P.A.K. Palanisamy Higher Secondary School, Chennai and the candidate were summoned for a personal enquiry on 28.11.2014 to enquire into the missing answer sheet. The Chief Invigilator and the Room Invigilator had in unison stated that they had personally verified the total numbers of OMR answer sheets and found them correct while packing and the same was sent to the Commission. During the enquiry, the petitioner orally requested that he be given another opportunity to write the exam. However, when the opportunity was given, the petitioner has refused to write the examination and had run away from the campus.



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11. In order to give yet another opportunity to the petitioner, the

Commission had decided to conduct an examination on 10.12.2014.

Despite, receiving information about the examination, the petitioner had not turned up for the examination. The query raised by the petitioner through his RTI petition was also answered vide Commission's Memo dated 06.04.2015. Therefore, the present writ petition is absolutely baseless and they sought for a dismissal particularly since the petitioner had refused to appear for re-examination especially proposed to be conducted for him.

12. This Court had directed the respondents to produce the record relating to the memo dated 26.11.2014. The same has been produced before the Court. This is a memo in which the case of the missing answer sheet has been discussed and the authorities have decided to hold a re-examination.

13. A perusal of the pleadings would clearly show that the petitioner is attempting to take advantage of his missing answer sheet to directly be appointed without undergoing the test. The respondents



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have attempted to give the petitioner a second chance to appear for an examination. However, the petitioner has chosen not to attend the examination. No malafide can be attached to the missing answer sheet and it is also not the case of the petitioner that the answer sheet has been deliberately kept away. However, his only contention is that if he has to write the examination again, it will cause him great mental agony. The petitioner cannot seek an appointment without fulfilling the qualifications prescribed, one of which is the written examination.

14. In the result, there is no merit in the case and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

26.07.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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To
WEB COPY

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

- 2.The Controller of Examinations
The Tamil Nadu Public Service Commission,
Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai-600 003.



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P.T. ASHA. J.,

(shr)

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and
W.M.P.No.17060 of 2016

26.07.2024