



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.36099, 36975 & 36976 of 2015
and M.P.Nos.1 to 1 & 2 to 2 of 2015

K.Gopi	...	Petitioner [in W.P.No.36099/2015]
K.Shanmugasundaram	...	Petitioner [in W.P.No.36975/2015]
P.Ravichandiran	...	Petitioner [in W.P.No.36976/2015]

versus

- 1.The Tamil Nadu Public Service Commission,
Represented by its Member Secretary,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.
- 2.The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.
- 3.The Principal Secretary to Government,
Agriculture Department,
Fort St.George, Chennai - 09.



4.The Director of Agriculture,
Chepauk, Chennai - 600 005.

...

Respondents
[in all W.Ps]

WEB COPY

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned publication dated 19.10.2015 issued by the second respondent and quash the same in respect of the petitioners registration numbers 020001240, 250002220 & 250001091 respectively and direct the respondents to allow the petitioners for oral test & accordingly appoint them as Assistant Agricultural Officer in the Tamil Nadu Agricultural Extension Subordinate Service.

For Petitioners	:	Mr.R.Prem Narayan
[in all W.Ps]		
For Respondent Nos.1 & 2	:	Mr.P.J.Rishikesh
[in all W.Ps]		
For Respondent Nos.3 & 4	:	M/s.V.Yanuma Devi
[in all W.Ps]		Special Government Pleader

COMMON ORDER

Since the issue is covered in all the above writ petitions are similar, the cases are heard together and disposed of by this common order.

2. The first respondent had issued a Notification in the year 2015 calling for appointment to the post of Assistant Agricultural Officer in the Tamil Nadu Agricultural Extension Subordinate Service. Pursuant to the advertisement, the petitioners have submitted their applications as they are completed the Diploma in Agriculture from the Tamil Nadu Agricultural



University through Tamil Medium and belong to the backward community.

The petitioners in W.P.Nos.36099 & 36975 of 2015 have submitted applications under the BC(G) PSTM category [Persons Studied in Tamil Medium] and the petitioner in W.P.No.36976 of 2015 submitted his application under the MBC/DC (G) PSTM category [Persons Studied in Tamil Medium].

3. The applications were processed and the petitioners appeared for written examination on 18.04.2015 and the list was published on 19.08.2015 by which 785 persons were notified for being selected for the oral test. Further, a second list was also published on 01.10.2015 in respect of another 45 candidates. The petitioners had appeared for the certificate verification on 09.09.2015 and 14.09.2015 and the certificates were verified. However, when the list of candidates eligible to appear for an interview was published on 19.10.2015, the names of the petitioners were not included and as such, the petitioners have come up with the above writ petitions.



WEB COPY

4. The learned counsel appearing for the petitioners contended that once the petitioners have cleared the written examination and they have been placed in the first list and called for an oral test, the impugned orders whereby the petitioners were excluded from appearing in the interview cannot be sustained as the same is based on some subsequent developments which are not disclosed through the impugned orders. It is his further contention that once the petitioners had cleared the written examination and the certificates had been verified, they ought to have been included in the list of candidates who have been called for the interview and sought for indulgence of this Court.

5. The learned Standing Counsel for the respondents 1 and 2 by relying on the counter affidavit submitted that, the candidates filed their applications through online and based on the marks obtained by them in the written examination, the lists are published and based on the list published, the certificate verifications are conducted and only during that time, all the details entered into by the petitioners in their online applications are verified and the process is completed. After this process, the final list of candidates to be called for the interview is based on their cut-off marks in respect of



each category for which they had applied and whether they are coming within the zone of consideration is taken into account and the list is published.

6. However, in the instant cases, the petitioners have not secured the cut-off marks prescribed under each category and only since they have not reached the zone of consideration, they have not been included in the list selected to be called for the interview and therefore contended that the petitioners had not been sidelined or left over but only because of the marks secured by them and therefore, sought for the dismissal of the writ petitions.

7. Heard the rival submissions of the respective counsels and perused the materials available on record.

8. Admittedly, the petitioners in W.P.Nos.36099 & 36975 of 2015 had applied to the post of Assistant Agricultural Officer, under the BC(G) PSTM category [Persons Studied in Tamil Medium] and the petitioner in W.P.No.36976 of 2015 has applied under the MBC/DC (G) PSTM category [Persons Studied in Tamil Medium].



WEB COPY

9. Pursuant to the written examination, the names of the petitioners were included in the list published, who have called for the oral test to be conducted. Based on the list published by the first respondent, the certificate verification was conducted in two stages. Insofar as the petitioners in W.P.Nos.36099 & 36975 of 2015 are concerned, they had secured 218 marks in the written examination, but the cut-off marks prescribed under the BC (G) PSTM category was 219. Since the petitioners had not reached the zone of consideration and were short of one mark prescribed for the cut-off in the particular category, their names were not included for the next stage of selection process and therefore, they were not selected for the interview. The petitioner in W.P.No.36976 of 2015 has secured 209 marks in the written examination and he did not reach the zone of consideration for admission to the oral test and therefore, he was not called for the oral test.

10. The relevant paragraphs of the counter affidavit filed by the learned Standing Counsel appearing for the TNPSC in W.P.No.36099 of 2015 are extracted hereunder:-



WEB COPY



“6. In this connection, it is submitted that the Written Examination for the said recruitment was held on 18.04.2015 F.N. and A.N. The 1st phase of Certificate Verification was held from 07.09.2015 to 16.09.2015 and only 785 candidates were eligible to be summoned for the same. The 2nd phase of Certificate Verification was held on 09.10.2015 and 45 candidates were summoned for the same. The Certificate Verification for two more candidates was conducted on 02.11.2015.

7. The marks secured in Written Examination by the last candidate (Cut-off mark) considered for provisional admission to Oral Test in the categories applicable to the petitioner are as follows:

Sl. No.	Category	Marks secured by the last candidate considered to Oral Test for the said post
1.	GT(G)	259.50
2.	GT(G)PSTM	245.50
3.	BC(G)	226.50
4.	BC(G) PSTM	219.00

8. It is submitted that the petitioner Thiru.K.Gopi (Reg. No.020001240) has secured 218.00 marks in Written Examination. Hence, he had not reached the zone of consideration for provisional admission to Oral Test for the said post.

9. It is respectfully submitted that, since the application was submitted by the candidates through online mode and the candidates were admitted to the next stage of the selection process only based on the claims made in their online applications, change of status while Certificate Verification becomes imperative. It is respectfully submitted that the writ petitioner had not been over-looked illegally. In other words the mark secured by him is less than the cut off mark in the categories applicable to the petitioner. Therefore, he had not been admitted to the oral test.

10. Further, it is submitted that the petitioner had claimed reservation under "Persons Studied In Tamil Medium" in his application and had produced the evidence for his claim and based on the marks obtained by the petitioner in the written examination, the number of vacancies and following the rule of reservation for appointments, he did not reach the zone of consideration in his respective category for admission to oral test. Thus, as per rule 21(b) of the Instructions etc., to candidates for the distribution of 417 vacancies the eligible candidates were called for OT and no candidate who secured less marks than the petitioner in his category was called for OT. The Commission had published the oral test list on 19.10.2015 mentioning the reasons for non-inclusion/rejection of certain candidates for oral test in which the



WEB COPY



petitioner had been enlisted as he had not reached the zone of consideration and the impugned list published by the Commission is perfectly correct and it is also pertinent to mention here that mere calling the petitioner for certificate verification does not amount to automatic acceptance of his candidature and it is always provisional. The oral test for the said post was held from 02.11.2015 to 07.11.2015.”

11. From the details furnished, it could be seen that, even though the petitioners have cleared the written examination, they have been called for the certificate verification, which has also been verified and later, when all the applications have been sorted out, only since the petitioners did not obtain the necessary cut-off marks prescribed under each category as referred earlier and they have not reached the zone of consideration, the petitioners were not called for the next stage of the interview process.

12. In view of the above, these Writ Petitions fails and accordingly, the same are **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

13. There shall be no order as to costs.

13.11.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

8/10



To

1. The Member Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.
2. The Controller of Examinations,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Park Town,
Chennai - 600 003.
3. The Principal Secretary to Government,
Agriculture Department,
Fort St. George,
Chennai - 09.
4. The Director of Agriculture,
Chepauk, Chennai - 600 005.



WEB COPY

W.P.Nos.36099, 36975 & 36976 of 2015



G.ARUL MURUGAN, J.

sri

W.P.Nos.36099, 36975 & 36976 of 2015
and M.P.Nos.1 to 1 & 2 to 2 of 2015

13.11.2024