



WEB COPY



W.A.No.1136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.A.No.1136 of 2024

C.Ramesh

.. Appellant

Vs

1.The Chairman,
TNPSC, TNPSC Road,
Chennai.

2.The Secretary & Controller of Examinations,
The Tamilnadu Public Service Commission,
TNPSC Road, Chennai-3.

3.Hariprasad.C.
Automobile Engineer,
Police Transport cum Training School,
Avadi, Chennai-600 054.

4.Additional Director General of Police
Headquarters,
O/o. Director General of Police,
Mylapore, Chennai-600 004.

..Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.07.2023 made in W.P.No.23394 of 2019.



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For Appellant : Mr.N.Subramaniyan

For Respondents : Mr.R.Bharanidharan,
Standing Counsel for TNPSC for R1 & R2
Mr.S.Namasivayam for R3
Mr.P.Kumaresan, Additional Advocate General
assisted by
Mr.S.Yashwanth, Additional Govt.Pleader
for R4

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JUDGMENT

(Judgment of the Court was made by the Hon'ble Acting Chief Justice)

By consent, this Writ Appeal is taken up for final disposal.

2. The writ petitioner is the appellant herein. This Writ Appeal has been filed as against the order of the Writ Court dated 21.07.2023 made in W.P.No.23394 of 2019. According to the appellant, the workshop experience certificate produced by the appellant was not accepted by TNPSC/ respondents 1 and 2 and it was put to challenge in the writ petition, wherein the Writ Court, after contest on the merits of the case, directed the respondents 2 and 3 to call the appellant/writ petitioner for an oral test and consider his selection to the post of Automobile Engineer in the Police Transport Workshop cum Training School, Avadi and Regional Police Transport Workshop, Tiruchirapalli, subject to the marks obtained by him in



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the oral test / interview. It was also made clear by the Writ Court that in the event of the appellant surpassing the overall total obtained by the third respondent after the oral interview is conducted, then the appellant shall be appointed to the post of Automobile Engineer and the selection of the appellant shall stand quashed. The order of the Writ Court was challenged by the appellant in the instant writ appeal.

3. Mr.N.Subramaniyan, learned counsel for the appellant/writ petitioner would submit that in pursuant to the order of the Writ Court, the third respondent was selected to the post of Automobile Engineer in the Police Transport Workshop, however the third respondent has resigned from the said post and joined in the Tamil Nadu Motor Vehicles Maintenance Department and at present, the post of Automobile Engineer is vacant and not been filled up and since the appellant/writ petitioner is the next meritorious candidate eligible for the said post, he may be selected and therefore, prays for appropriate direction to the respondents 1 and 2 to issue necessary appointment order to the petitioner/appellant.



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4. Mr.R.Bharanidharan, learned Standing Counsel appearing for the respondents 1 and 2 / TNPSC would submit that if the appellant/writ petitioner is the next meritorious candidate and after satisfying the other eligibility criteria, the appellant/writ petitioner would be considered for selection and his name will be included in the provisionally selected list and forwarded to the user department for issuance of necessary appointment orders. The learned Standing Counsel for TNPSC further submitted that if any other candidate has secured higher marks than the appellant, they will be called to appear for oral test / interview and based on the marks obtained in the written examination and the oral test, the provisionally selected candidates list will be forwarded to the user department.

5. In the light of the above submission made by the learned Standing Counsel for TNPSC, this Court directs that the respondents 1 and 2 / TNPSC shall consider the case of the appellant/writ petitioner for the post of Automobile Engineer, if he is the next meritorious candidate and subject to satisfaction of other eligibility criteria, the appellant/writ petitioner shall be considered for selection and his name may be included in the provisional



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select list and forwarded to the user department for issuance of necessary appointment orders. It is also made clear that if any other candidate has secured higher marks than the appellant, then oral test / interview may be conducted and based on the marks obtained in the oral test, the provisionally selected candidates list shall be forwarded to the user department. It is further made clear that if no such vacancy is available in the parent department, the eligible candidate shall be considered in the next future vacancies.

6. This Writ Appeal stands disposed of accordingly. No costs.

[D.K.K., A.CJ.] [K.B.J.]

09.09.2024

Internet: Yes/No
Index : Yes/No
Jvm

To
1.The Chairman,
TNPSC, TNPSC Road,
Chennai.



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THE HON'BLE ACTING CHIEF JUSTICE

and

K.KUMARESH BABU, J.

Jvm

2.The Secretary & Controller of Examinations,
The Tamilnadu Public Service Commission,
TNPSC Road, Chennai-3.

3.Additional Director General of Police
Headquarters, O/o. Director General of Police,
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