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W.P.No.14367 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14367 of 2024
and W.M.P.No.15601 of 2024

C.Magesh

.. **Petitioner**

Vs.

1.The Chairman
Tamil Nadu Public Service Commission
Frazer Bridge Road, V.O.C.Nagar
Park Town, Chennai – 600 003.

2.The Secretary
Office of the Tamil Nadu Public Service Commission
Frazer Bridge Road
Chennai – 600 003.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents herein to select and appoint the petitioner as “Hostel Superintendent cum Physical Training Officer” under the Tamilnadu Employment and Training Subordinate Service in the event of petitioner successful and falling within the zone of consideration in Notification No.24/2023 dated 18.10.2023.



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For the Petitioner : Mr.G.Rajesh

For the Respondents : Mr.R.Bharanidharan
Standing Counsel for RR1 & 2

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents herein to select and appoint the petitioner as “Hostel Superintendent cum Physical Training Officer” under the Tamilnadu Employment and Training Subordinate Service, in the event of petitioner being successful and falling within the zone of consideration pursuant to the Notification No.24/2023 dated 18.10.2023.

2. The case of the petitioner is that the petitioner applied for direct recruitment to the post of Hostel Superintendent cum Physical Training Officer, pursuant to the notification No.24 / 2023 dated 18.10.2023. The petitioner participated in the written examination and the results were also published. His overall rank was No.4 and communal rank was No.3. However, the petitioner was not called for certificate verification and



therefore he is before this Court.

3. *Mr.R.Bharanidharan*, learned counsel appearing on behalf of the respondents would submit that even though the petitioner had scored marks, he was ranked as stated by the petitioner, he was not called for certificate verification for two reasons, firstly, the petitioner was directed to produce appropriate Government Order in respect of equivalency of his educational qualification and the same was not produced in time. Even if the lapse was considered to be a procedural lapse, since subsequently, the petitioner is in possession of the equivalency Government Order, secondly, as far as the relevant post is concerned, it requires one year of work experience in the relevant post. The petitioner had uploaded a certificate that he was working at Sivam International School for the said period. However, the work experience was considered by an expert committee that had made enquiries and only those candidates who were certified by the said expert committee as having possessed the experience certificate were alone called for certificate verification and thereafter they were selected. In the case of the



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petitioner, the experience certificate was found to be incorrect and therefore, his name was not included for further selection.

4. Per contra, the learned counsel appearing on behalf of the petitioner by producing the attendance register as well as the service certificate would submit that the petitioner was duly worked in the Sivam International School and there is no way, the respondents can non-suit the petitioner under the said ground.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. As far as the production of equivalency certificate is concerned, the same is only procedural in nature and the petitioner possesses the Government Order for equivalency and therefore, the same is not an issue. The only question is whether or not, the petitioner possesses the requisite one year of experience. According to the respondents, an expert committee



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had gone into the same and concluded that the experience certificate produced by the petitioner is not genuine. If such is the case, the petitioner has to specifically challenge the said findings of the expert committee. It is seen that the minutes of the expert committee have not been communicated to the petitioner. Therefore, the respondents are directed to pass an order mentioning the reason for the rejection of the candidature of the petitioner and also duly enclosing the report of the expert committee or extract thereof. The petitioner will be entitled to redress his grievances as against the said order, in the manner known to law.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

26.06.2024

Neutral Citation : No

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D.BHARATHA CHAKRAVARTHY, J.

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To

1.The Chairman

Tamil Nadu Public Service Commission

Frazer Bridge Road, V.O.C.Nagar

Park Town, Chennai – 600 003.

2.The Secretary

Office of the Tamil Nadu Public Service Commission

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