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W.P.No.40776 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.40776 of 2016

and

W.M.P.No.34746 of 2016

Irichan

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai-600003

2.The Chairman,
Tamil Nadu Public Service Commission,
Chennai-600003.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent the Secretary, Tamil Nadu Public Service Commission, Chennai- 600003 to include the Registration Number 010004129 of the petitioner in the provisional admission to certificate verification for oral test for the appointment to the post of District Educational Officer in the Tamil Nadu School Educational Service 2012 and consequently directing the respondents to issue an appointment order for the above said post to the petitioner.



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For Petitioner : Mr.K.Balakrishnan

For Respondents :
(for R1 and R2) :Mr.I.Abrar Md. Abdullah

ORDER

This Writ Petition has been filed to direct the 1st respondent to include the registration number of the petitioner in the provisional admission to certificate verification for oral test for appointment to the post of District Educational Officer in the Tamil Nadu School Educational Service 2012 and as a consequence to issue appointment orders to the petitioner for the above post.

2. The facts which have been set out by the petitioner in the affidavit filed in support of the writ petition are as follows:-

(i). The petitioner would submit that the 1st respondent had invited applications through direct recruitment for the post of District Educational Officer in the Tamil Nadu School Educational Service vide Notification No.04/2014 dated 14.02.2014. In total, 11 vacancies were notified by the 1st respondent under various categories. That apart, the respondent had also given out subject wise details of the vacancies.

(ii). The petitioner would submit that he is a physically challenged



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person (Ortho) belonging to the Schedule Caste possessing a qualification of M.Sc. (Botany), B.Ed. and has been working as a Post Graduate Teacher for over 15 years in a Government Higher Secondary School, Kancheepuram.

(iii) In March, 2014, the petitioner had applied online for the aforesaid post of a District Educational Officer. The preliminary examination was held on 08.06.2014 and the petitioner had cleared the preliminary examination. Thereafter, the petitioner had appeared for the main written examination and had performed very well. The minimum marks required for passing the examination was 182 out of 900 marks. The petitioner was confident that he would score more than 182 marks in the papers I, II and III.

(iv). Contrary to the expectation of the petitioner, he was not called for certificate verification for the oral test for appointment to the above mentioned post. The petitioner was surprised as he had performed very well in the main examination and would have definitely scored over and above the minimum marks.

(v). The petitioner submits that the respondents had published the



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registration number of the candidates who were to appear for the certificate verification and a perusal of this list did not include the name of the petitioner. The petitioner is surprised since he is eligible in all the 3 categories, i.e; subject wise vacancy, Schedule Caste (General category) and Physically challenged person (Ortho). Therefore, the petitioner has come forward with the above Writ Petition.

3. The respondents have filed a counter affidavit in which they would contend that the petitioner cannot be considered since the marks that he had obtained in the written exam was very low and two other candidates have scored higher marks. The respondents would submit that the petitioner had totally obtained 49.50 marks in the I - paper, 84.00 marks in the II - paper and 75.50 marks in the III- paper. The marks obtained by the petitioner in the III paper has been described as invalidated. The respondents would submit that under the subject Botany the last candidate who had been admitted for certificate verification had obtained 441.50 marks and that the last candidate admitted for certificate verification for oral test under the category SC(G) had obtained 367.50 marks. The petitioner, on the contrary, had only scored 133.50 marks. Further, there was no vacancy reserved for disabled persons. The respondents would



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therefore pray for the dismissal of the Writ Petition.

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4. In the course of the arguments, Mr.I.Abrar Md. Abdullah learned counsel appearing for the respondents would submit that the recruitment process has been completed.

5. Heard the learned counsels on either side.

6. The petitioner would seek the issue of a writ of Mandamus on the ground that he had scored more than the minimum marks prescribed in the notification and therefore he has to be necessarily sent for the certificate verification for the oral test. A perusal of the counter and the documents filed would not only show that the petitioner had obtained very poor marks but that the marks obtained by the last candidate who was admitted for certificate verification and under the category SC(G) have scored much more than the petitioner. Therefore, the petitioner had not reached the zone of consideration for certificate verification for the admission to the oral test. Therefore, he has been rightly not considered.

7. Accordingly, the writ petition stands dismissed. No costs.



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Consequently, the connected Miscellaneous Petition is closed.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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Tamil Nadu Public Service Commission,
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Chennai-600003.

2.The Chairman,
Tamil Nadu Public Service Commission,
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P.T. ASHA. J.,

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