



WEB COPY



WA Nos.1291 and 1908 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA No.1291 of 2022

and

WA No.1908 of 2022

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai

: Appellant in
WA Nos.1291 and 1908 of 2022

versus

1. M.Arivazhagi

: Respondent in
WA No.1908 of 2022

2. R.Rashya

: Respondent in
WA No.1291 of 2022

PRAYER in WA No.1291 of 2022: Writ Appeal filed against the order of the learned Single Judge in WP No.5032 of 2020 dated 02.07.2021.

PRAYER in WA No.1908 of 2022: Writ Appeal filed against the order of the learned Single Judge in WP No.7005 of 2020 dated 04.08.2021.



WA Nos.1291 and 1908 of 2022

For the Appellant

:: Mr.P.Wilson
Senior Counsel
for G.Hema

For the Respondent

:: Mrs.Jasmine Padma
for Mr.L.Chandra Kumar
in WA No.1908 of 2022

No appearance in WA No.1291 of
2022

COMMON JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The Writ Appeals are filed filed against the orders of the learned Single Judge in WP No.5032 of 2020 dated 02.07.2021 and WP No.7005 of 2020 dated 04.08.2021.

2. Brief facts of the case:

2.1. Respondents have applied for the posts of Typist and Junior Assistant in Group-IV service examination conducted by the appellant/TNPSC. The examination was held on 01.09.2019 and the results were published on 12.11.2019. Thereafter, the respondents were called for certificate verification. The respondents had applied in the category of Destitute Widow-Persons Studied Tamil Medium (PSTM). At the time of



WA Nos.1291 and 1908 of 2022

certificate verification, the respondents were not in possession of PSTM certificate and therefore, their selection was rejected. Challenging the same, the respondents filed writ petitions in WP No.7005 of 2020 and 5032 of 2020.

2.2. The Writ Court, by order dated 02.07.2021 in WP No.5032 of 2020, had allowed the writ petition with the following observations:

In the light of the above observations and the judgment of this Court in J.Karthik's case (supra) passed in WP No.4866 of 2020, the provisional appointment dated 29.02.2020, to the post of Junior Assistant in Principal District Court, Thanjavur, is declared as a valid appointment and not to be construed as a provisional appointment. Consequently, there shall be a direction to the concerned respondent/Government Department to issue posting orders, as expeditiously as possible, in any event, within a period of 8 weeks from the date of receipt of a copy of this order.

2.3. The Writ Court, by order dated 04.08.2021 in WP No.7005 of 2020, had allowed the writ petition with the following observations:

'Considering the fact, that the petitioner has also obtained certificate of PSTM on 24.02.2020, the case of the petitioner deserves to be considered sympathetically, as she had applied



WA Nos.1291 and 1908 of 2022

in the special category of Destitute women. Further, there is no dispute that the petitioner is otherwise qualified and would have got selected if the certificate was produced at the time of verification. Since PSTM certificate was obtained by the petitioner immediately on 24.02.2020, certifying that the petitioner had studied at SSLC and HSC in Tamil Medium during the year 1986-87, the petitioner deserves the relief sought for in the writ petition.'

2.4. Challenging the said orders, the appellant TNPSC has preferred the present intra court appeals.

3. Mr.P.Wilson, learned Senior Counsel appearing for the appellant Commission fairly stated that against the order passed in WP No.4866 of 2020 dated 14.06.2021, an appeal had been preferred by the appellant Commission before a Division Bench of this Court in WA No.1329 of 2021 and the same was dismissed on 14.06.2021. Challenging the same, the appellant Commission has filed SLP No.4357 of 2020 before the Hon'ble Supreme Court. The Hon'ble Supreme Court, by order dated 01.05.2024, has held as follows:

'3. Pursuant thereto, the petitioner-Tamil Nadu Public Service Commission, has taken a



WEB COPY



WA Nos.1291 and 1908 of 2022

decision resolving to select and recommend the name of 62 candidates mentioned in Table I of the additional affidavit dated 28.04.2023 appended with Interlocutory Application No.89727/2023, for appointment to the posts mentioned in the Table itself. As regard to 10 candidates in the Table II, it is stated that even after treating them eligible, they do not come into the zone of consideration. As regard to 6 candidates mentioned in Table III, it is stated that they will be adjusted future vacancies as no posts were reserved for them during the pendency of the case (s). The appointment of these 6 candidates will be subject to other eligibility conditions.

4.The Special Leave Petitions are, accordingly, disposed of in terms of the additional affidavit dated 29.04.2023 filed by the petitioner- Tamil Nadu Public Service Commission, along with Tables I, II, and III. The Public Service Commission shall be at liberty to act upon as per its decision referred to above, as early as possible and preferably within two months from the date of receipt of a copy of this order.

5. It is made clear that this order shall not give rise to any cause of action in favour of such candidates who have not approached the courts so far.'



WA Nos.1291 and 1908 of 2022

4. Learned Senior Counsel appearing for the appellant further submits that pursuant to the directions of the Hon'ble Supreme Court in the aforesaid SLP, the Commission has issued a list, containing the names of the employees who were given provisional allotment orders. In the said list, in Table 1, the names of the respondents herein have also been found and subsequently these respondents have been issued appointment orders and subsequently, they joined in the respective departments.

5. In view of the statement made by the learned Senior Counsel for the appellant, nothing survives for adjudication in the present appeals. Consequently the writ appeals stand dismissed as infructuous. There shall be no order as to costs. Consequently, CMP Nos.8155 and 14027 of 2022 are closed.

[D.K.K., J.] [K.B., J.]
04.06.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



WEB COPY



WA Nos.1291 and 1908 of 2022

D.KRISHNAKUMAR, J.
and
K.KUMARESH BABU, J.

(mrn)

WA No.1291 of 2022
and
WA No.1908 of 2022

04.06.2024