



W.P.No.31222 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.31222 of 2024

and

W.M.p.no.33862 and 33863 of 2024

V. Muthupandi

....Petitioner

Vs

The Secretary
Tamilnadu Public Service Commission
TNPSC Road,
Chennai – 600 003

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the impugned notification No.13/2024, dated 13.09.2024 issued by the Respondent and quash the condition in Item no.6:1 in the impugned notification allotting 75 questions for General Studies and pass orders.

For Petitioner : Mr. S.Udhaya Kumar

For Respondent : Mr. R. Bharanidharan
Standing counsel



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ORDER

This petition is filed seeking to issue a Writ of Certiorari calling for the records of the impugned notification No.13/2024, dated 13.09.2024 issued by the Respondent and quash the condition in Item No.6:1 in the impugned notification allotting 75 questions for General Studies and pass orders.

2. The facts of the case is that the petitioner has filed this writ petition in public interest challenging the Notification No.13/2024 issued by the Respondent on 13.09.2024, wherein the Respondent has invited application for the Post of Assistant Public Prosecutor (Grade-II). The grievance of the petitioner is that earlier, when the respondent conducted preliminary Examination for the Post of Assistant Public Prosecutor (Grade-II), 80% of the questions was allotted for law and 20% was allotted for Mental Ability and Aptitude Test, whereas now as per the impugned notification only 50% was allotted for law subject and the remaining 50% was allotted to General Studies, Mental Ability and Aptitude. Challenging the change in pattern for the ensuing examination



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vide Notification No.13/2024 issued by the Respondent on 13.09.2024, the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner submitted that the change in pattern reveals that the respondent expect that the candidates appearing for the Post of Assistant Public Prosecutor (Grade-II) should have equal knowledge in Law and General Knowledge, which is not correct. He further submitted that the candidates should have sound and more knowledge in Law subject, hence, the earlier pattern where 80% of the questions was allotted for law and 20% was allotted for Mental Ability and Aptitude Test is perfect. It is pertinent to note that all of sudden the respondent has changed the pattern which is not necessary. Hence, prays to allow this petition.

4. The learned standing counsel appearing for the respondent submitted that a uniform scheme of examination has been prescribed in respect of all the posts equivalent to the Additional Public Prosecutor. Hence, they have adopted the same method and changed the pattern and there is no necessity to modify the impugned notification No.13/2024,



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dated 13.09.2024. They have also filed a counter affidavit to that effect

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5. On a perusal of counter affidavit it is evident that they have been adopted the uniform method for all the examination equivalent to the Additional Public Prosecutor and the relevant portion is extracted hereunder:

It is further humbly submitted since the post of APP Gr-II in the prosecution Department is equivalent to that of the posts in Combined civil Services Examinations (Group IA,IB, and IC) and also for all the legal posts in the Combined Technical Services Examination. The pay scale is the same and the pattern of examination are also similar consisting of preliminary exam, Main exam and Oral Test, the Commission decided to include the General studies in the Preliminary Examination for the said post to test the General Knowledge and related developments in current events, similar to the Combined Civil Services Examination (Group – IA,IB and IC) and combined Technical Services Examination, in the aforesaid scheme of examination.

7. In this connection, it is humbly submitted that the paragraph 4(iii) of the Commission's Rules of Procedure states as follows:-

The following matters shall be decided by the Commission:-

“XXXXX

Any case in which a decision is



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required to the taken regarding the framing of schemes for holding competitive examinations for recruitment to posts or departmental examinations or their modification

9. It is further humbly submitted that a uniform scheme of examination has been prescribed in respect of all the posts in the same combined Technical Services Examination (Interview Posts) or combined Technical Services Examination (Non-Interview Posts). The particulars of Name of the Examination, Name of the Post, Educational Qualification and Scheme of Examination for the posts of 1. Manager Grade -III (Legal) 2. Senior Officer (Legal) 3. Assistant Manger (Legal) – (Combined Technical Services Examination (Interview Posts) and 4. Secretarial Officer (Legal) (combined Technical Services Examination 9 Non – Interview Posts) are furnished in the following Table:-

S.No	Name of the Examination	Name of the Post	Educational Qualification
1	<i>Combined Technical Services Examination (Interview posts)</i>	<i>Manager Grade – III (Legal) in Tamil Nadu Industrial Investment Corporation Ltd.</i>	<i>A Degree in Law obtained from a recognized university</i>
2		<i>Senior Officer (Legal) in Tamil Nadu Industrial Investment Corporation Ltd.</i>	<i>B.L. Degree from a Law College recognized by University Grants Commission</i>



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<i>S.No</i>	<i>Name of the Examination</i>	<i>Name of the Post</i>	<i>Educational Qualification</i>
3		Assistant Manager(Legal in TNSCTC & SETC State Industries Promotion Corporation of Tamil Nadu Ltd., (SIPCOT)	(i) Must possess degree in Law awarded by a recognized University (B.L (ii) Must have sound knowledge of Corporate Laws, Labour Laws, and experience on the original side in City Civil Courts or Mofussil Courts for a period not less than five (5) years and must have good knowledge and practice in Motor Accidents Claims Tribunal, Labour Courts etc., Other things being equal, preference



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<i>S.No</i>	<i>Name of the Examination</i>	<i>Name of the Post</i>	<i>Educational Qualification</i>
			shall be given to candidates possessing Post Graduate Diploma in Labour Laws/ Social Science
4	Combined Technical Examination (Non Interview Posts)	Secretarial Officer (Legal) in Tamil Nadu Industrial Development Corporation Ltd.	(i) Bachelors of Law (B.L) (ii) Preference shall be give to those who possess ACS (Inter)

6. The Notification No.13/2024 dated 13.09.2024 issued by the TNPSC and the relevant portion is extracted hereunder:

<i>Subject</i>	<i>Standard</i>	<i>No of Questions</i>	<i>Duration</i>	<i>Maximum marks</i>	<i>Type of Examination</i>
(i) General Studies	Degree	75		300	
(ii) Aptitude and Mental Ability Test	SSLC	25			
(iii) Law	Degree	100			

7. From the Counter affidavit filed by the Respondent, it is



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evident that the respondents has adopting the same method for all the examination equivalent to the Additional Public Prosecutor and the State has taken proper care and caution while conducting Competitive Test.

8. Before advertng further it would be relevant to go through the Role of Public Prosecutor. The Role of the Public Prosecutor is to represent the interest of the State. When the accused is proven guilty then the defence counsel and the Public prosecutor further argue to decide the quantum of punishment. At this stage the Public Prosecutor may argue for the adequate punishment keeping in mind the facts, circumstances of case and gravity of the offence. It helps the judge to arrive at a judicial decision.

9. To put a quietus to this issue, it is necessary to find out whether legal knowledge alone is sufficient for the post of Public Prosecutor or not. It is made clear from the discussion made with regard to the role of Public Prosecutor, that the Public Prosecutor has to assist the Court and also interact with the police officials and dig out the facts of the case for which knowledge in law alone will not be sufficient and it requires general knowledge as prescribed by the Respondent.



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10. The issue involved in this writ petition also pertains to the eligibility criteria fixed by the Respondent and this Court is of the view that the State has every right to fix the eligibility criteria and this Court cannot interfere with the same.

11. Further more to challenge the process of selection there is no merits in the submission on the side of the petitioner and this Court does not find any material adequate to accept the contention of the petitioner. In such view of the matter this Court is not inclined to disturb the selection process and the same continue as such.

12. In view of the above said position, the petitioner is not entitled to the relief as prayed for and accordingly, the Writ Petition is dismissed. No costs. Consequently the connected miscellaneous petitions are closed.

19.11.2024

Index:Yes/No

Speaking order/Non-speaking order

smn

Note: The Registry is directed to issue order copy on 21.11.2024



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V.BHAVANI SUBBAROYAN,J.

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To.

The Secretary
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