



W.P.(MD)Nos.7175, 7408, 7409, 7410, 7418, 7546 and 11012 of 2023

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Reserved On : 13.06.2024

Delivered On : **11.09.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)Nos.7175, 7408, 7409, 7410, 7418, 7546 and 11012 of 2023

and

**W.M.P.(MD)Nos.6766, 6768, 6770, 6771, 6772, 6942, 6943, 6944, 6953,
7034, 7035, 9639, 9644 and 9649 of 2023**

W.P.(MD)No.7175 of 2023 :-

M.Sivanmurugan

... Petitioner

Vs.

- 1.The Principal Secretary Government,
Transport Department,
Fort St. George,
Chennai - 600 009.
- 2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The Director,
Motor Vehicles Maintenance Department,
Velachery,
Chennai - 600 042.



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4. Tamil Nadu Public service Commission,
Represented by its Secretary,
TNPSCD Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.

5. The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSCD Road,
V.O.C. Nagar, Park Town,
Chennai – 600 003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for all the records pertaining to the selection list of eligible candidates dated 17.03.2023 for oral test in the form of interview which is published in the website of first respondent, in so far as non-inclusion of petitioner's name for oral test scheduled to hold on 30.03.2023 and 31.03.2023 and quash the same as illegal and unconstitutional, consequently direct the respondents to permit the petitioner for oral test in the form of interview as scheduled to hold on 30.03.2023 and 31.03.2023 or on any other date in future, for the post of Motor Vehicle Inspectors Grade -II, in the Tamil Nadu Transport Subordinate Service, 2013-2018.

For Petitioner	: Mr.V.R.Shanmuganathan For Mr.S.Balamurugan
For Respondents 1 to 3	: Mr.J.K.Jeyaseelan Government Advocate
For Respondents 4 & 5	: Mr.V.Panneer Selvam Standing Counsel

COMMON ORDER

Challenging the selection list of eligible candidates dated 17.03.2023, for oral test in the form of interview which is published in the website of first



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respondent, in so far as non-inclusion of petitioner's name for oral test scheduled to hold on 30.03.2023 and 31.03.2023, the Writ Petitions came to be filed.

2.The Tamil Nadu Public Service Commission issued a Notification in Notification No.3 of 2018 dated 14.02.2018, inviting online applications for 112 posts of Motor Vehicle Inspectors Grade II, in the Tamil Nadu Transport Subordinate Service, 2013-2018. In response to the said Notification, all the writ petitioners herein have applied through online attaching all the relevant Certificates with required experience Certificates along with online application and the same was accepted by the Tamil Nadu Public Service Commission (hereinafter to be mentioned as TNPSC). On completion of verification of Certificates, which were uploaded along with online application, the petitioners were issued with hall tickets respectively, for written examination and they attended the same on 10.06.2018. The Controller of Examinations, TNPSC, published a list of candidates as eligible for oral test on 15.07.2019, disclosing a serial number of 33 candidates, out of the 1328, as persons eligible to attend oral interview to be held on 05.08.2019. The same was put to challenge by a batch of Writ Petitions and the petitioners also filed similar Writ Petitions before this Court, since their register numbers were not found in the



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professional list for interview.

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3. Pursuant to the same, the respondents cancelled the list in 15.07.2019 and published a fresh list on 28.04.2021, in which the respondents have simply dropped 3 out of 7 shown as eligible in the previous cancelled list. This resulted in opening up a second round of pandora's box and several Writ Petitions came to be filed before this Court, challenging the aforesaid revised list dated 28.04.2021. The entire gamut of the issue involved in these Writ Petitions came to be decided exclusively by the Hon'ble Division Bench of this Court in W.A.Nos.590, 550 of 2023, batch dated 22.12.2023 and the operative portion of the said judgment is extracted herein:-

“88. In view of the fact that the notification was published on 14.02.2018 and considerable time has already passed because of repeated litigations, this court deems it necessary to determine the timeline for compliance of the directions issued above, with regard to experience certificate, possession of experience in petrol and diesel engines, claim of eligible and ineligible candidates, miscellaneous matters, not falling within the zone of consideration, rule of reservation, valid driving licence and conduct of oral test, which are summarized as below:

(a) The State, more particularly, Director / Commissioner of Transport Department must take a decision about the grant of effect of retrospective renewal or deny such retrospective renewal to all the



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workshops and communicate the same to the TNPSC within a period of four weeks from the date of receipt of a copy of this judgment. This direction will also be applicable to the workshops, which were earlier granted retrospective approval prior to 2011 or 2012~2013.

(b) Depending upon the decision of the State as regards the grant of renewal to the workshops, the TNPSC shall make the select list, within a period of two weeks thereafter, and publish the same in the website as well as intimate to the eligible candidates independently.

(c) As held by us that the persons with experience in both petrol and diesel fitted engines alone, shall be eligible for selection, the TNPSC shall redo the selection process by verifying the experience of the candidates and make the list accordingly.

(d) The TNPSC shall verify the driving licence of the candidates with the respective RTO-s within a period of four weeks from the date of receipt of a copy of this judgment and intimate the result to the individuals directly, who fail to qualify.

(e) The TNPSC must prepare the list of candidates for oral test following the rule of reservation as contemplated under clause 10 of the notification, within a period of four weeks from the date of compliance of directions (a), (b), (c) and (d) and publish the same in the official website.

(f) The TNPSC shall intimate the marks of the candidates who do not come within the zone of consideration to the candidates individually by sms or e~mail, atleast three days before conducting the oral test. The candidates will not have any right to seek a copy of their answer sheet or re~valuation.



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(g)The TNPSC shall conduct the certificate verification of the eligible candidates after publication of the list of candidates fit for oral test, atleast three days prior to the date, on which oral test is scheduled to be conducted.

(h)The entire selection process shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this judgment.

(i)The TNPSC shall videograph the oral test, keep the same in safe custody, and produce as and when required,

(j)For the purpose of co-ordinating all the authorities, so as to comply with the aforesaid directions, the TNPSC has to nominate a nodal officer within a week and publish the same in their website. The nodal officer shall be the person, to whom the petitioners / appellants / applicants shall submit their complaints / objections, if any, with supportive materials, and he, in turn, shall place the same before the TNPSC for appropriate action,

(k)With regard to the issue relating to upper age limit, it is for the TNPSC to verify the details and act upon, in accordance with the notification.

(l)These directions issued shall be posted in the website of the TNPSC and the same shall be construed as constructive notice to all the candidates irrespective of the fact whether they are before us or not.

89. As far as the challenge to the PSTM Quota, certificate not being in proper format, suitability of the candidate after debarment by TRB, the same fails.”



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4.As per the judgment passed by this Court on 23.03.2023, the writ petitioner in W.P.(MD)No.11012 of 2023 made a representation to the first respondent along with the order copy made in W.P.No.12776 of 2020, batch, dated 10.02.2023. However, prior to submitting his representation on 17.03.2023, the first respondent published register numbers that have been admitted to the oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade II, based on the written examination conducted by the Commission on 10.06.2018 forenoon and afternoon. Hence, the petitioner filed the aforesaid Writ Petition, challenging the records pertaining to the selection list of eligible candidates dated 17.03.2023, for oral test in the form of interview, which is published in the website of the first respondent, in so far as non inclusion of his name is concerned, for the oral test scheduled to be held on 30.03.2023 and 31.03.2023 and for directing the respondents to permit the petitioners for oral test in the form of interview for the post of Motor Vehicle Inspectors Grade II in the Tamil Nadu Transport Subordinate Scheme 2013-2018.

5.Similarly, the writ petitioner in W.P.(MD)No.7175 of 2023 had sent a representation to the respondents on 08.03.2023, along with the orders passed by this Court and the same is pending till date without consideration. The writ



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petitioner in W.P.(MD)No.7410 of 2023 had submitted his representation dated 26.02.2023, the writ petitioner in W.P.(MD)No.7409 of 2023 had submitted his representation dated 27.02.2023, the writ petitioner in W.P.(MD)No.7408 of 2023 had submitted his representation dated 26.02.2023 and the writ petitioner in W.P.(MD)No.7481 of 2023 had submitted his representation in this regard to the respondents on 17.03.2023 respectively.

6.The plight of the writ petitioner in W.P.(MD)No.7546 of 2023 is that though he had participated in the selection process, he was not informed about of reason for his rejection and he was not informed under what circumstances, his name is not called for oral test. However, in view of the elaborate consideration of the entire gamut of issue by the Hon'ble Division Bench of this Court in W.A.Nos.590 of 2023, batch, dated 22.12.2023, in which the Hon'ble Division Bench of this Court had directed the TNPSC to nominate a Nodal Officer within a week from 22.12.2023 and publish the same in their website exclusively for the purpose of facilitating the various applicants/petitioners to submit their complaints/objections, if any, with supportive materials and he in turn shall place the same before the TNPSC for appropriate action. Hence, directing the petitioner in W.P.(MD)No.7546 of 2023, to make an elaborate representation along with all necessary documents to the Tamil Nadu Public



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Service Commission, this Court is of the considered view that whenever a representation is made to an authority by any of the aggrieved persons, it is the bounden duty of the authorities concerned to consider the same and pass appropriate orders in accordance with law. Any delay in due consideration of the representation submitted by the aggrieved to the authorities would amount to dereliction of statutory duties by the public authority concerned. However, in the instant case, though the Hon'ble Division Bench had issued specific directions to the Tamil Nadu Public Service Commission to nominate a Nodal Officer exclusively for the purpose of submitting their complaints/objections/representations with supportive materials, it is painful to see that the case of the petitioners are kept without consideration of their representation endlessly even after the scheduled date of oral interview so far.

7. In view of the same, all the Writ Petitions herein are disposed of, with a direction to the respondent Tamil Nadu Public Service Commission to consider the representation submitted by the petitioners herein to the Tamil Nadu Public Service Commission on various dates and pass appropriate orders in accordance with law in terms of Paragraph nos.88(a) to 88(l) and Paragraph No. 89 of the judgment passed by the Hon'ble Division Bench of this Court in W.A.Nos.590 of 2023, batch, dated 22.12.2023, within a period of 4 weeks



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from the date of receipt of copy of this order.

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8.In fine, the Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

- 1.The Principal Secretary Government,
Transport Department,
Fort St. George,
Chennai - 600 009.
- 2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The Director,
Motor Vehicles Maintenance Department,
Velachery,
Chennai - 600 042.
- 4.Secretary,
Tamil Nadu Public service Commission,
TNPSCD Road, V.O.C. Nagar,
Park Town, Chennai - 600 003.
- 5.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSCD Road,
V.O.C. Nagar, Park Town,
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L.VICTORIA GOWRI, J.

Mrn

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