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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.8539 of 2023

and

W.M.P(MD)Nos.7851 and 7852 of 2023

S.Kanimozhi

... Petitioner

Vs.

1.The Secretary,
Human Resources Management Department,
Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
T.N.P.S.C. Road, Broadway,
Park Town, Chennai – 600 003.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to publish petitioner General studies results along with rank and provide counseling to petitioner based on the marks secured in the written examination for the post Combined Civil Services Examination - IV (Group - IV) services for the year 2022 through a Notification No.07/2022, dated 30.03.2022 by considering the petitioner's representation, dated 29.03.2023, consequently direct the 1st respondent to frame rules for providing 5% marks relaxation to the differently abled persons in the Part-A Tamil eligibility Test for TNPSC Group - IV examinations, within the time stipulated by this Court.



For Petitioner : M/s.G.Sakthi Rao
For Respondent : Mr.S.S.Madhavan
Government Advocate for R1
Mr.V.Panneer Selvam
Standing Counsel for R2

* * * * *

ORDER

The instant writ petition has been filed by an aspirant to the post of Combined Civil Services Examination (Group-IV), seeking a mandamus to publish her General Studies results relating to Part 'B' of the examination and direct the first respondent to frame rules for providing 5% marks relaxation to Differently abled persons in Part A, Tamil eligibility test for TNPSC Group-IV examinations.

2.As per the notification issued by the Tamil Nadu Public Service Commission, under Notification No.7 of 2022, dated 30.03.2022 for Group IV examinations, the question paper would consist of Part 'A' and Part 'B'. Part 'A' relates to Tamil eligibility test in which a candidate is expected to secure 60% marks, unless the candidates secures 60% marks in Part 'A', his/her Part 'B' answers will not be evaluated.



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3.The petitioner who is a visually challenged candidate had secured 58.5 marks in Part 'A' and therefore, Part 'B' answers have not evaluated by the Tamil Nadu Public Service Commission. According to the learned Counsel appearing for the writ petitioner, the Government of Tamil Nadu has issued G.O.Ms.No. 49, Human Resources Management(M) Department, dated 23.05.2022, wherein visually challenged persons have been exempted from appearing for the compulsory Tamil eligibility test. Therefore, According to the writ petitioner, even if she had secured 58.5 marks, Part 'B' answers would have been evaluated and her result should have been declared. The petitioner has further prayed for framing rules for granting 5% relaxation to the physically challenged persons from appearing in the Tamil eligibility test.

4.Per contra, the learned Standing Counsel appearing for the Tamil Nadu Public Service Commission has brought to the notice of the Court that the notification for the above said post was issued on 30.03.2022 and the last date for applying under the said notification was fixed as 28.04.2022. G.O.Ms.No. 49, Human Resources Management(M) Department, dated 23.05.2022 has been issued by the Government of Tamil Nadu only on 23.05.2022. Therefore, after the last date for applying was over, any Government order passed cannot be taken into consideration for evaluating the answer sheet.



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5. After this legal issue was pointed out to the learned counsel appearing for the writ petitioner, he submitted that OMR answer sheet of the writ petitioner may be furnished by the Tamil Nadu Public Service Commission, so that the petitioner could self-evaluate her answers.

6. The selection process has been completed and therefore, the Tamil Nadu Public Service Commission cannot have any legal impediment in furnishing a copy of the OMR answer sheet of the writ petitioner.

7. In view of the above said facts, the second respondent is directed to furnish a copy of the OMR answer sheet to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

16.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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To

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Government of Tamil Nadu,
Secretariat, St. George Fort,
Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
T.N.P.S.C. Road, Broadway,
Park Town, Chennai – 600 003.



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R.VIJAYAKUMAR, J.

RJR

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