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W.P.(MD).No.28447, 28585 and 28586 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.28447, 28585 and 28586 of 2024

and

W.M.P.(MD)Nos.24147, 24149, 24244, 24246, 24261 and 24263 of 2024

T.Jaya	... Petitioner in W.P.(MD)No.28447/2024
R.Sivamanikandan	... Petitioner in W.P.(MD)No.28585/2024
M.Sudharsana	... Petitioner in W.P.(MD)No.28586/2024

(Name of the petitioner in W.P.(MD)No.28447 of 2024 has been corrected vide order dated 29.11.2024.

-VS-

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.

.... Respondent in all petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records of the Respondent pertaining to the online rejection of petitioner application by respondent dated 22.11.2024 in Advertisement No. 684 in Notification No 05/2024 quash the same as illegal, and consequently and directing the respondent to accept the petitioner's experience certificate issued by the Tirunelveli Bar Association, Madurai Bar Association and Karaikudi Bar Association, respectively on

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21.09.2024, 25.11.2024 and 23.09.2024, respectively upload by the petitioner in connection with certificate verifications of the petitioner's Application No. 2405003298, 2405007145 and 2405004736, respectively and Register No. 2601001025, 1001001015 and 2501001158, respectively and permit the petitioner to participate in the future selection process for the notification 05/2024 dated 23.04.2024 for posts of combined Civil Services Examination -Group I-B and I-C Services for the year 2024 within the time stipulated by this court.

In all petitions:

For Petitioner : Mr.G.Sakthi Rao
For Respondent : Mr.R.Baranitharan
for Mr.J.Anandkumar
Standing Counsel

COMMON ORDER

These instant writ petitions have been filed by the aspirants to the post of Assistant Commissioner in HR & CE Department, pursuant to the notification issued by the Tamil Nadu Public Service Commission (TNPSC) in notification No.5 of 2024 dated 23.03.2024, challenging the orders passed by the respondent dated 22.11.2024, whereby rejecting the applications of the petitioners on the ground that the experience certificates were not uploaded as prescribed under the notification.

2.Perusal of the notification reveals that the candidates should be



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actually practicing as an Advocate or as the Pleader in the Court of civil or criminal jurisdiction for a period of not less than three years. Perusal of the certificates uploaded by the petitioner in W.P.(MD)No.28585 of 2024 reveal that the petitioner has initially uploaded the experience certificate signed by an Advocate practicing at Madurai District Court indicating her experience as Advocate between 29.11.2011 and 30.04.2016. After the defect was pointed by TNPSC through a notice of certificate verification, another certificate was uploaded on 24.09.2024, which was signed by the Secretary of the Madurai Bar Association, Madurai indicating the same period of experience.

3.As far as the petitioner in W.P.(MD)No.28447 of 2024 is concerned, initially, the petitioner has uploaded a certificate dated 02.05.2024, wherein the period of experience is mentioned as between 2014 to 2023. After it was pointed out by TNPSC, she has uploaded another certificate dated 21.09.2024 obtained from the President, Tirunelveli Bar Association showing the same period as her experience.

4.As far as the petitioner in W.P.(MD)No.28586 of 2024 is concerned,



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the petitioner has initially uploaded a certificate dated 15.05.2024, wherein the period of experience is mentioned from 2019 to 2023. After it was pointed by TNPSC, she has uploaded another certificate dated 23.09.2024 to the effect that the petitioner has experience from 2011 to 2023.

5.In all these cases, the Tamil Nadu Public Service Commission has rejected the applications on the ground that since the petitioners have not uploaded the certificates pointing out that they have been practicing till the date of notification.

6. It is the grievance of the writ petitioners that when the defects were pointed out by TNPSC, they have only pointed out the defect with regard to the competency of the persons issuing experience certificate and not with regard to the date up to which, the experience has to be shown.

7.The learned Standing Counsel appearing for TNPSC pointed out that in view of the judgment of the Division Bench of this Court in W.A.No. 813 of 2024 dated 12.07.2024, the word 'actually practicing' means that the candidates should be practicing upto the date of notification. He also relied



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upon another judgment of this Court in W.A.(MD)No.991 of 2015 dated 22.12.2023, wherein this Court had held that the candidate should be a practicing Advocate till the date of notification. Therefore, according to the learned Standing Counsel, unless the certificates reflect that the petitioners herein were actually practicing till the date of notification, that is on 23.04.2024, their experience certificates cannot be taken into consideration for permitting them to appear for the examination.

8.This Court is of the considered opinion that two Division Benches has taken a consistent view that the candidates should be a practicing Advocate upto the date of notification but the petitioners herein have given experience certificates not up to the date of notification. In case, if the petitioners who have uploaded the defective experience certificates are permitted to appear for the examination, that would affect the rights of the other candidates whose applications have been rejected on similar grounds. In such an event, others should also be granted an opportunity to upload the proper certificate. Otherwise the rights of the other candidates who have uploaded the defective certificates would get affected. Therefore, this Court cannot interfere with the rejection order passed by TNPSC for uploading the



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defective certificates. There are no merits in this writ petition. Accordingly, these writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2024

Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 29.11.2024

To
The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.



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R.VIJAYAKUMAR,J.

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