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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 936 of 2025

And

W.M.P.Nos. 1132, 1133, 1135 & 1136 of 2025

A.Soundharya D/o. A. Alagiri,
W/o. S. Panneerselvam,
16 C 4, TNHB, Anna Nagar,
Thiruvannamalai Taluk and District,
Pin Code 606603

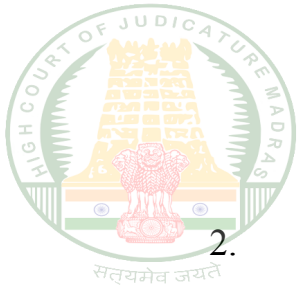
presently residing at

S2, Baroda Square Flats,
No. 40, Baroda Street,
West Mambalam,
Chennai 600033

..... Petitioner

Versus

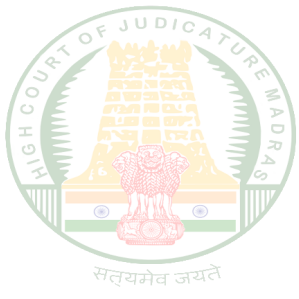
1. The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George, Secretariat,
Chennai – 600009.



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2. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Park Town Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.
3. The Controller of Examinations,
Tamil Nadu Public Service commission,
Park Town Road,
V.O.C Nagar, Park Town,
Chennai - 600 003.
4. D. Umadevi
Muduvarpatti Post,
4th Ward Palamedu Via,
Vadipatti Taluk,
Madurai - 620503
5. M. Shobana,
2 265, L3,
Hajees Gardens,
Othakadai,
Madurai 625107.
6. S. Sorna Raja,
4/59, Mela Street,
Suthamalli,
Tirunelveli - 627604.
7. S. Ilavenil,
54, VK Road,
Peelamedu,
Coimbatore - 641004.
8. A. Udhayabanu,



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15/1, Srikrishna Nagar,
Rangampalayam,
Erode - 638009.

9. D. Durgadevi,
No.12, Kammatchiyamman Street,
Rettipalayam West Extn.,
Thanjavur - 613 009.
10. H. Thirumagal,
No.30, A1 Shankar Flat,
Ponniyamman Kovil Street,
Hasthinapuram,
Kancheepuram - 600064.
11. J. Thenmozhi,
No.307/1, 3 Street,
Sakthi Nagar,
Alapakkam,
Chengalpattu,
Kancheepuram - 603002
12. M. Seyad Ali Fathima,
14A, V R Puram Anna Salai,
Kalakad, Nanguneri,
Tirunelveli - 627501.
13. M. Vanitha
10/50, West Street,
Poovudaiyarpuram
Naduvakurichi PO,
Kommadikottai Via,
Santhankulam Taluk,
Thoothukudi - 628653.
14. S. Anand Raja,
4/59, Mela Street,



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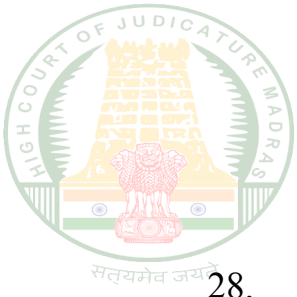
Suthamalli,
Tirunelveli 627604.

15. R. Murugeshwari,
5/171, Irandalaiparai,
Indhra Colony,
Reddiyapatti Post,
Dindigul - 624003.
16. L. Vasuki,
No.63, Arockiya Matha Avenue,
Jeya Nagar Extension,
Karumandapam,
Tiruchirapalli - 620001.
17. M. Usha,
2/183, Thiru Vi.Ka. Nagar,
Masapettai, Arcot, Vellore - 632503.
18. P. Pethurathi,
Plot No.8, TTC Nagar Main Road,
Lake Area,
Uthangudi Post,
Near Matuthavani Bus Stand,
Madurai - 625107.
19. V. Sumathi,
5, West 2nd Floor Block No.1,
Madura Coats Colony,
Vikramasinga-puram,
Tirunelveli - 627 425.
20. R. Yogalakshmi,
80A, New Street,
Navalpur, Ranipet - 632401.



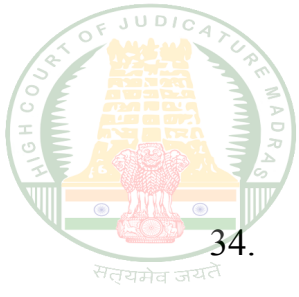
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21. S. Chokkesan,
3/139, Pandiyan Nagar,
Fifth Street,
Surveyor Colony,
Moondru Mavadi,
K. Pudur, Madurai 625 007.
22. A. Tamilselvi,
5/115, Ward 5,
Alaga Goundanur Bukkampatti,
Mettur, Salem 636451
23. N. Anitha,
4/22, Attaiyampatty Main Road,
Kakkpalayam Post,
Sankari Taluk,
Salem 637504
24. M.V. Arulmozhi,
No.48, Perumal Koil Street,
Saidapet, Chennai 600 015
25. R. Senthamilselvi,
Plot No.200, Cheran Street,
Menaka Nagar,
Moolasamuthuram
Ulundurpet 606107
26. A. Muthumari,
C-10, Dev Apartments,
No.77, Kalakshethra Road,
Thiruvanmiyur, Chennai 600041
27. A. Cauvery,
2/717/1, Roja Street,
6th Main Road,
Gomathipuram,
Madurai 625020.



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28. S. Anand,
12/1, Keezha Theru,
Maruthamuthu Nagar,
Darasuram,
Kumbakonam,
Thanjavur 612702.
29. K. Jaganathan,
No.153, Basin Road,
Indra Gandhi Nagar,
Thiruvottriyur,
Chennai 600081.
30. R. Master Ganesh,
46/4A, Setha Ammal Road,
Shyam Saradha Apartments,
Alwarpet, chennai 600 018.
31. M. Seerin Sithara Sweety,
1/229C, Lakshmi Nagar,
Ettiveerampalayam Post,
Tiruppur 641666.
32. K. Nivedha,
192, South Street,
Vazhisodhanai Palayam,
Cuddalore 607 003.
33. S. Lakshmi,
No.75/102, Gangai Amman Koil Street,
Pallur Village and Post,
Arakkonam Taluk,
Vellore 631051.



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34. E. Dharmaraj,
Nagarappadi and Post,
Srimushnam Taluk,
Srimushnam, Cuddalore 608703
35. A. Geetha,
4/F, Crown Street,
Santham Illam,
Near Hindu Vidyalaya School,
Krishnan Koil,
Nagercoil,
Kanniyakumari 629001.
36. R. Dhanalakshmi,
Kangavadanganallur,
Muthuservamadam Post,
Udayarpalayam Taluk,
Ariyalur 612903.
37. L. Sakthi,
Periyathallapadi Village and Post,
Uthangarai Taluk,
Krishnagiri District,
Krishnagiri 635307.
38. S. Venkatapathy,
No.6, Middle Street,
Moogambigai Nagar,
Nainarmandapam,
Puducherry 605004
39. G. Akilandeswari,
No.30, Vandikara Street,
Woraiyur, Trichy 620003
40. A. Saravanan,
3/101, Malayampalayam,
Ganapathipalayam



Palladam, Tiruppur 641605.

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41. M. Chithramala,
No.161, Redhills Main Road,
Kilanoor Village and Post,
Tiruvallur 602 021.
42. S. Jeevitha,
No.167, Small Street,
Thangi Village, Naickenpet Post,
Kancheepuram 631 601.
43. K. Sankar,
Adhanapattu Village,
Thensiruvalur Post
Vanur Taluk, Villupuram 604102.
44. V. Jeyarohini,
5/7, Karambakkam,
1st Cross Street,
Porur, Chennai 600116.

..... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the second and third respondents pertaining to the impugned web copy remarks for the Preliminary Examination and Main Written Examination dated 09.10.2024 in respect of the petitioner (Register No.0101003286) i.e., “Candidate's application was rejected subsequently” and the subsequent email correspondence dated 26.11.2024 informing the petitioner that “as you have insufficient bar experience of five years in criminal courts as you have studied M.L. Course during the experience period” for the post of Assistant Public Prosecutor, Grade-II in prosecution Department as per Notificaiton No. 10/2021 dated 25.08.2021 and quash the same as illegal and without



jurisdiction in line with the Division Bench decision of this Hon'ble Court in W.A.No. 2685 of 2022 etc., batch, dated 20.11.2023 in TNPSC V.B.Parthiban & Others, consequently, direct the second and third respondents herein to publish the petitioner's main written examination results and then select the petitioner to the post of Assistant Public Prosecutor Grade-II, if the petitioner secures eligible marks in the main written examination, either under General Category or under Communal Category (SCA) according to the marks and appoint the petitioner to the post Assistant Public Prosecutor, Grade-II in Prosecution Department by placing the petitioner as per her rank to reckon seniority and other service benefits on par with other selected candidates / 4th to 44th respondents and others if any, accordingly or any other order or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

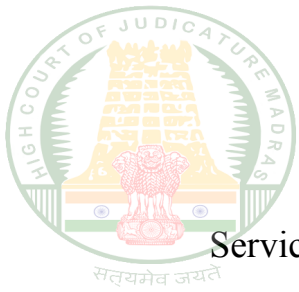
For Petitioner :: Mr. S.Sathiaseelan

For 1st Respondent :: Mr. V.Nanmaran
Additional Government Pleader

For RR 2 & 3 :: Mr. R.Bharanidharan
Standing Counsel for TNPSC

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus questioning a communication issued by Tamil Nadu Public



Service Commission by which communication, the petitioner was informed that her application had been rejected subsequent to the writing of the main examination.

2. The petitioner had written the preliminary examination and also the main examination for the post of Assistant Public Prosecutor Grade-II in Tamil Nadu General Service. The date of the examination was on 06.11.2021. The petitioner had passed the preliminary examination and thereafter was permitted to written the main examination also. She also came within the zone for being invited for the oral test relating to her eligibility and other stipulations. At that stage, while the committee which scrutinises the applications, examined the application of the petitioner, it was found that the petitioner had completed her Master-in-Law as a full time course. Holding that fact against the petitioner and contending that during that course of study, the petitioner could not have reasonably discharged professional duty as an Advocate and therefore holding that the petitioner did not have necessary professional experience, the application of the petitioner was withheld and rejected and she was not given an opportunity to attend the oral interview. It is under those circumstances, the Writ Petition



has been filed.

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3. The learned Standing Counsel for the Tamil Nadu Public Service Commission stated that consequent to the notification dated 25.08.2021, applications had been invited from eligible candidates to fill 50 vacancies in the post of Assistant Public Prosecutor (APP), Grade-II in the Prosecution Department in Tamil Nadu General Service. The petitioner herein had claimed that during the period when she studied M.L., she had also gained experience as a legal professional. It was contended by her that she practiced as an Advocate during that period also. But however, the respondents did not accept that particular contention made by the petitioner herein. She was however admitted to write the main written examination.

4. Three other candidates were also similarly permitted to written the main written examination. They had filed W.P.(MD).No. 9307 of 2022, W.P.No. 12148 of 2022 and W.P.No. 12359 of 2022 and consequent to the directions issued in those Writ Petitions, they were permitted to written the main examination. The petitioner did not have any such direction issued by



any Court.

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5. The only ground on which the petitioner was not invited for the oral test so that she claimed as a having experience in practice as an advocate while at the same time stating that she also studied full time M.L. Course.

6. In the Writ Petitions filed by the other three candidates, a Division Bench of this Court had held that such a disqualification would not withstand the scrutiny of the Court. Out of the three candidates, who had filed Writ Petitions, one of them had actually been selected and two of them, did not come under zone of selection.

7. The case of the petitioner cannot be viewed separately or independently of that particular privilege given to the candidates, who had attended the oral test consequent to the directions of this Court. The petitioner is also similarly placed.



8. In view of that particular observation made, it is only appropriate that the respondents invite the petitioner by giving sufficient notice to appear for the oral test.

9. The learned Standing Counsel for the Tamil Nadu Public Service Commission however stated that out of the 50 posts which were vacant, 49 have been filled up and one post is also vacant owing to directions of the Court wherein a Writ Petition is still pending and that the petitioner herein could not be accommodated in that particular post held vacant consequent to the directions of the Court. But however, let the oral test be conducted and thereafter, the respondents may take a decision about the actual merit position of the petitioner and a decision may be based on the total marks obtained by the petitioner.

10. The first respondent may take an appropriate decision based on the total marks obtained by the petitioner. The second respondent is directed to issue a notice to the petitioner inviting her to attend the oral test and thereafter depending on the result thereof, the first respondent is directed to take an appropriate decision in this regard.



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27.02.2025

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To

1. The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George, Secretariat,
Chennai – 600009.
2. The Secretary
The Tamil Nadu Public Service Commission,
Park Town Road,
V.O.C. Nagar, Park Town,
Chennai - 600 003.
3. The Controller of Examinations,
Tamil Nadu Public Service commission,
Park Town Road,
V.O.C Nagar, Park Town,
Chennai - 600 003.



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C.V.KARTHIKEYAN, J.,

vsg



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16

W.P.No. 936 of 2025
And
W.M.P.Nos. 1132, 1133, 1135 & 1136 of 2025

27.02.2025