



W.P.No.27374 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.27374 of 2025
and W.M.P.No.30738 of 2025

G.Palanisamy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Home Department, Secretariat,
Chennai – 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai – 600 003.

3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai – 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents No.2 and 3 herein to issue Hall Ticket to the Petitioner, bearing Application No.1324001147 and Register No.0401001009 and to permit the Petitioner to appear for the main written examination to be held from 26.07.2025 to 30.07.2025, at Chennai Centre, for the post of Assistant Public Prosecutor, Grade-II, vide Notification No.13/2024, dated 13.09.2024.



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For Petitioner : Mr.V.Ramanareddy
For R1 : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader
For R2 and R3 : Mr.P.J.Rishikesh
Standing Counsel for TNPSC

ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a Mandamus, directing the Respondents No.2 and 3 herein to issue Hall Ticket to the Petitioner, bearing Application No.1324001147 and Register No.0401001009 and to permit the Petitioner to appear for the main written examination to be held from 26.07.2025 to 30.07.2025, at Chennai Centre, for the post of Assistant Public Prosecutor, Grade-II, vide Notification No.13/2024, dated 13.09.2024.

3. Heard the learned counsel for both sides and perused the materials available on record.

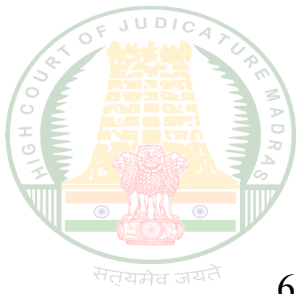


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4. It is the contention of the petitioner that the petitioner has applied for the post of Assistant Public Prosecutor, Grade-II in pursuance to the Notification dated 13.09.2024 and he had appeared for the preliminary examination held on 22.02.2025 and he was selected for main written examination. It is the further contention of the petitioner that when the petitioner attempted to generate the Hall Ticket the system did not generate Hall Ticket, on the other hand, an information provided to the petitioner that he is not eligible to be considered for the main written examination, as he did not fulfill the eligibility conditions as specified in Clause 4.3 of the Notification No.13/2024, dated 13.09.2024 issued by the Tamil Nadu Public Service Commission.

5. The learned counsel for the petitioner would submit that on the date of notification, the petitioner was serving as Executive Officer Grade-I (Trainee) in the Hindu Religious and Charitable Endowments Department. However, prior to joining this service, the petitioner had an active practice of more than five years in a Criminal Court. Therefore, he is eligible to be participated in the main written examination. Hence, he would pray to direct the respondents to issue the Hall Ticket.

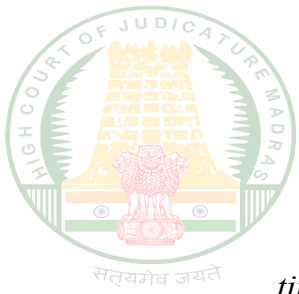


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6. The learned Standing Counsel appearing for the respondents 2 and 3 would submit the issue involved in this case is no longer *res integra*, where the Hon'ble Division Bench of this Court in W.A.No.813 of 2024, dated 12.07.2024 has decided that the sentence 'he must have had active practice in criminal court for a period of not less than 5 years' should be construed that on the date of notification, the petitioner ought to be in active practice. The learned Standing Counsel had also relied upon Paragraph No.13 of the judgment of the Division Bench. For ready reference, the same is extracted hereunder:-

“13. Though the judgment in Deepak Agarwal (Supra) considered the expression “has been”, while the impugned notification uses the expression “have had”, we would think it would not make any material difference. While the expression “has been” considered by the Supreme Court in Deepak Agarwal is present perfect continuous, the expression “have had” employed in Notification No.10/2021 is in present perfect tense, which is also used to convey an act / event which started occurring in the past and still happening. The present perfect tense is formed by the present tense of the helping verb “have” followed by a second verb in the past participle form, which we can summarize as follows: present perfect have/has + past participle The present perfect is used to describe actions that have occurred continuously or repeatedly from some



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time in the past right up to the present moment (sometimes with the implication that these actions will continue into the future). 4 In other words, the expression “has been” and “have had” both look to an act / event which has commenced in the past and continuing. Applying the above requirement/test, it would be clear that the appellant fails to satisfy the eligibility criteria viz., “he must have had active practice in criminal court for a period of not less than 5 years”, inasmuch as even in terms of the certificate furnished by the appellant, it only covers the period 22.09.2010 to 13.09.2016, whereas the requirement was that the candidate ought to be in active practice for a period of not less than 5 years immediately preceding the date of the application which the appellant fails to satisfy thereby rendering herself ineligible.”

7. The learned Standing Counsel would further submit that this Court vide order dated 23.07.2025 in W.P.No.27559 of 2025 has also disposed the similar writ petition by rejecting the claim of the candidate. Hence, prayed to dismiss the writ petition.

8. I have given my anxious consideration to the submissions made on either side.

9. When a similar issue arise before this Court in W.P.No.27559 of



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2025, this Court passed the following orders:-

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“8.The short point to be considered in the present writ petition is how the sentence “must have active practice in Criminal Courts” is to be interpreted?

9.It is the submission of the learned counsel appearing for the petitioner that on the date of Notification, it is not necessary that the petitioner must be in active practice and it is sufficient that she must possess five years experience in Criminal Courts preceding to the notification date. Such contention was objected by the learned Standing Counsel and his contention is that the five years practice should be immediately preceding to the date of Notification.

10.As extracted hereinabove in paragraph 13, the Hon'ble Division Bench has clearly explained the sentence “must have had active practice in Criminal Court for a period of not less than 5 years” denotes that the candidate ought to be in active practice for a period of not less than 5 years immediately preceding the date of the application. In view of the above Division Bench judgment, no occasion arises to this Court to again explain the relevant sentence once again.

11.Accordingly, the petitioner fails to satisfy such essential requirement. Therefore the rejection order passed by the respondent is well merited and this Court does not find any ground to interfere with the same.”

10. The issue involved in the present case is also of the same and



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identical facts. Admittedly, in the case in hand, the petitioner as on the date of notification was not in active practice. Hence, this Court do not find any infirmity in rejecting the petitioner's claim for issuing Hall Ticket.

11. In the result, the Writ Petition is dismissed. No costs.
Consequently, the connected writ miscellaneous petition is closed.

24.07.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm

To

- 1.The Principal Secretary to the Government,
State of Tamil Nadu, Home Department, Secretariat,
Chennai – 600 009.
- 2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town, Chennai – 600 003.
- 3.The Controller of Examinations,
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C.KUMARAPPAN, J.

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