



W.M.P.No.30909 of 2025

in

W.P.No.27587 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

**W.M.P.No.30909 of 2025**

**in**

**W.P.No.27587 of 2025**

M.Punitha

... Petitioner

Vs.

1. The Home Secretary-cum-Additional Chief Secretary,  
Home Department,  
Government of Tamil Nadu,  
Secretariat, Fort St.George,  
Chennai – 600 009.

2. Tamil Nadu Public Service Commission,  
Rep. By its Secretary & Controller of Examination (FAC),  
TNPSC Road, V.O.C.Nagar,  
Park Town, Chennai – 600 003.

3. The Director of Prosecution,  
Office of Director of Prosecution,  
Tamil Nadu Slum Clearance Board,  
Annex Building 1<sup>st</sup> Floor,  
Complex No.5, Kamarajar Salai,  
Chennai – 600 005.

... Respondents

This Petition filed under Article 226 of the Constitution of India



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praying to issue an interim direction, directing the respondents to permit the petitioner to appear for the Main written examination for the post of Assistant Public Prosecutor, Grade II scheduled to be held on 26.07.2025 pursuant to the recruitment Advertisement No.695, Notification No.13/2024 dated 13.09.2024 issued by the second respondent, pending final disposal of the writ petition.

|                 |                                                                                                                   |
|-----------------|-------------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : Ms.M.N.Sumathy                                                                                                  |
| For Respondents | : Mr.G.Nanmaran,<br>Special Government Pleader<br>(for R1 & R3)<br>Mr.P.J.Rishikesh,<br>Standing Counsel (for R2) |

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### **ORDER**

The issue arising in this Writ Petition is that the petitioner was denied a hall ticket on the simple ground that she had not submitted a practice certificate, as provided for in paragraph 4.3.4.5 of the Notification dated September 13, 2024.

2. The learned counsel for the petitioner would submit that, though the petitioner obtained a practice certificate from a Senior Advocate in the District of Tirunelveli Bar, he is not a designated Senior Advocate as per



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Section 16(2) of the Advocates Act, 1961. It is the further contention of the learned counsel that the petitioner has also submitted an experience certificate obtained from the Bar Association of Tirunelveli, as well as another practice certificate obtained from the Special Public Prosecutor, Mahila Court, Tirunelveli. Hence, he seeks an interim direction to permit the petitioner to participate in the main written examination to be held on 26.07.2025.

3. Per contra, the learned Standing Counsel appearing for the second respondent strongly objected to the said contention on the ground that, as the second respondent is a recruiting agency, they are bound by the Rules and Regulations given by the User Department, and that the Notification categorically states that the practice certificate should be obtained from a Senior Advocate who has been designated as a Senior Advocate under Section 16(2) of the Advocates Act.

3.1. It is further specified that if any practice certificate is received from a Public Prosecutor, such Public Prosecutor should be attached to the Director of the Prosecution Department. In the case at hand, the practice



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certificates provided by the petitioner are from the Bar Association and from an Advocate who has not been designated as a Senior Advocate under Section 16(2) of the Advocates Act. Therefore, he would contend that, under the power of judicial review, this Court cannot extend sympathy beyond the Rules provided in the Notification. He would further submit that the petitioner was also given an opportunity to re-upload the correct practice certificate, but even then, she has not submitted the same.

4. I have given my anxious consideration to either side submissions.

5. As rightly contended by the learned Standing Counsel, while exercising the power of judicial review, this Court cannot grant any concession beyond the specified Rules. However, upon reading the Notification, it *prima facie* gives the impression that any practice certificate issued by a Public Prosecutor is permissible. Apart from this, the contention of the learned counsel for the petitioner is that even in Judicial Service examinations, experience certificates given by an Advocate who is not a designated Senior Advocate is accepted. Additionally, the experience certificate provided by the Bar Association has also been accepted.



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6. Though those experience certificates have not been referred to in the Notification, there is a *prima facie* case in favour of the petitioner, and the issue must be gone into in depth.

7. In view of the same, this Miscellaneous Petition is allowed. The respondents are directed to permit the petitioner to appear for the Main written examination for the post of Assistant Public Prosecutor Grade-II, scheduled to be held on July 26, 2025. It is made clear that the respondents are directed to withhold the result of the petitioner, and the above order is subject to the outcome of this Writ Petition.

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To

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**C.KUMARAPPAN, J.**

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