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W.A.(MD)NO.2188 OF 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.07.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.2188 of 2023 and**  
**C.M.P.(MD)No.17453 of 2023**

The Secretary,  
Tamil Nadu Public Service Commission,  
Chennai – 600 002.

... Appellant / 1<sup>st</sup> Respondent /  
1<sup>st</sup> Respondent

Vs.

1. R.Arul Kumari

... 1<sup>st</sup> Respondent / Rev. Applicant/  
Petitioner

2. The Director of Medical Education,  
Kilpauk, Chennai – 10.

3. The Dean,  
Thoothukudi Medical College,  
Thoothukudi.

... Respondents 2&3 / Respondents 2&3/  
Respondents 2 &3

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, to  
set aside the order in Rev.Aplc.(MD)No.114 of 2023 dated 21.06.2023  
passed by this Court and allow the writ appeal.

|               |                                                        |
|---------------|--------------------------------------------------------|
| For Appellant | : Mr.V.Panneer Selvam,<br>Standing counsel.            |
| For R-1       | : Mr.G.Thalaimutharasu                                 |
| For R-2&R-3   | : Mr.C.Venkatesh Kumar,<br>Special Government Pleader. |

\* \* \*

**J U D G M E N T**

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**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The writ petitioner herein was appointed as Steno Typist vide order dated 12.12.2012. Her appointment was subsequently cancelled by TNPSC vide memo dated 03.05.2014. Challenging the same, the writ petitioner filed W.P.(MD)No.8526 of 2014. The writ petition was originally allowed on 08.01.2019 in the following terms:-

“25. Since the petitioners possessed requisite qualification to write exam have also continued in the service since their initial date of appointment in 2012, it would be unfair to send them out of employment at this stage and ask them to write exams afresh.

26. Therefore, ends of justice will be met if the respective petitioners' appointment is regularized along with and from the date when candidates possessing similar qualification were appointed. If candidates possessing similar and lesser qualification were appointed in the same year of their appointment, respective petitioners'



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appointment shall be regularized from the initial date of appointment overlooking the mistake in the application. Respondents shall carry out the above exercise within a period of 6 weeks from the date of receipt of a copy of this order.

27.These writ petitions are thus allowed with these observations with consequential relief. No costs. Consequently, connected Miscellaneous Petitions are closed.”

3. The learned single Judge chose to grant relief by placing her on par with certain similarly placed candidates. But no such similarly placed candidates were available. Hence, the writ petitioner herself chose to file Rev.Aplc(MD)No.114 of 2023 for removal of the aforesaid condition in paragraph No.26. The review application was also allowed in the following terms:-

“6.It is not clear as to how the appointment of the petitioner and continuance of the petitioner for the last 11 years can be set at naught after the interim stay was granted by this Court. Whether the petitioner fell in the first category or second category is no longer relevant. The petitioner would have otherwise come within the zone of



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consideration if there had not been adequate number of candidates possessing higher English and Tamil. The fact remains that the petitioner is possessing higher in English and lower in Tamil. If there were not enough candidates at the point of time, the petitioner would have been automatically entitled to be appointed. The work that was to be allotted for the candidates possessing these qualifications are one and the same. Therefore, there is no merits in not regularizing the service rendered by the petitioner since 2012. Merely because the appointment were made irregularly by the Officer concerned against whom Disciplinary Proceedings were initiated against the concerned Officer by the Department is of no relevance, as such proceedings cannot impinge on the right of an employee, who was absorbed in service and has rendered service for last decade. Further there is no justification, in sending the petitioner as the petitioner does possess requisite qualification. In view of the efflux of time, it would be unfair to send the petitioner out of service at this distant point of time.

7.Considering the above, there shall be modification in the first line of paragraph no.26 and the following paragraph reads as follows:



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“Therefore, to meet ends of justice if the respective petitioner's appointment are regularized from the date when the petitioners were appointed. Respondents shall carry out the above exercise within a period of six weeks from the date of receipt of a copy of this order.”

Aggrieved by the same, TNPSC filed this writ appeal.

4. The learned single Judge chose to grant equitable relief even though the writ petitioner was at fault. The writ Court took note of the fact that she has been in service since 2012.

5. We also notice that the lacuna on the part of the writ petitioner was discovered even during certificate verification and yet she was selected. If the writ petitioner was guilty of some misrepresentation while filing the application, TNPSC was equally at fault in selecting her. The mistake was discovered during certificate verification. Taking note of these aspects, the learned single Judge chose to grant relief. We do not fault the said approach. It is relevant to note that the writ petitioner is very much a qualified candidate.



The only point against her was that she came under 2<sup>nd</sup> priority category and that she could not have been selected when there were qualified candidates under priority category No.1. It was TNPSC that selected her with full knowledge of this fact. No aggrieved candidate for priority category No.1 chose to assail the writ petitioner's selection. Many years have since passed. We are of the view that the issue can be given a quietus. This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)**  
**10<sup>th</sup> July 2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
PMU

**To:**

1. The Director of Medical Education,  
Kilpauk, Chennai – 10.
2. The Dean,  
Thoothukudi Medical College,  
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