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WP No. 32954 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 32954 of 2022

AND

WMP NO. 32346 OF 2022

G.Raja

s/o.N.Govindan, Flat No.13, Door No.129, 2nd
Floor, Viruthambal Flats, M.P.M. Street,
Perambur, Chennai-600 039.

..Petitioner(s)

Vs

1. The Secretary
Tamil Nadu Public Service Commission, Frazer
Bridge Road, Chennai-3.
2. V.K.Sakhivel,
S/o. Karunanithi, No.81, East Street,
Kookudikadu, Koovathur (north), Ariyalur
District - 621 803.
(R2 Impleaded Vide Order Dated 19.12.2025
Made In WMP.No.55948/2025 In
W.P.No32954/2022)

..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records relating to the first respondent's proceedings dated 02.12.2022 in so far as Registration No.0101003071 stating that ----(@@) ---- the candidate has not obtained Minimum Qualifying Marks, hence the candidate is not considered for selection pursuant to Notification No.10/2021 dated 25.08.2021 and to quash the same and to consequently direct the first respondent to forthwith select and appoint the petitioner as Assistant Public Prosecutor Grade-II in Notification No.10/2021 dated 25.08.2021.



For Petitioner(s):

Mr.L.Chandrakumar

For Respondent(s):

Mr. R.Bharanidharan,
Standing Counsel For R1
Mr.S.SHANMUGASUNDARAM, for R2

Order

This Writ Petition had been filed challenging the proceedings dated 02.12.2022 in so far as relates to the registration No.0101003071.

2. At the outset, it is clarified by the learned Standing Counsel for the first respondent that the petitioner has not obtained the minimum qualifying marks. Inadvertently overlooking the same, the petitioner was permitted to participate in the subsequent rounds of selection. Subsequently, the mistake was noticed and the petitioner was not considered for selection. This fact would be clear from paragraph No.5 of the counter which reads as under:

“5.It is respectfully submitted that para 8 (ii) of the Notification dated 25.08.2021 reads as follows:-

“8. SCHEME OF EXAMINATION:

(i)

**(ii) MAIN WRITTEN EXAMINATION (BACHELOR’S
DEGREE STANDARD – DESCRIPTIVE TYPE) AND (iii)
ORAL TEST:**



Subject	DURATION	Maximum Marks	Minimum Qualifying Marks (in the aggregate)		
			SCs, SC(A)s and STs	MBC(V)s, MBCs and DNCs, MBCs, BC(OBCM)s, BCMs	Others
PART – A WRITTEN TEST					
1.Paper – I (Law I)	3 hours	100	140	160	180
2.Paper – I (Law II)	3 hours	100			
3.Paper-I (Law III)	3 hours	100			
4.Paper-I (Law IV)	3 hours	100			
PART – B ORAL TEST (interview)	---	60	18 (for all categories of candidates)		
TOTAL		460			

In the Assistant Public Prosecutor, Grade-II notification, the minimum qualifying marks has already been demarcated separately for written marks and oral test. But, inadvertently overlooking the above said concept, while calculating the minimum qualifying marks for the said recruitment, the maximum marks awarded for oral test was deducted from the minimum qualifying marks, as is being followed for all other interview posts for arriving at the rank list. As a result, the petitioner bearing register number 0101003071 who has secured the below minimum qualifying marks in the main written examination has been inadvertently admitted



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provisionally to Oral Test under MBC/DC(G)PSTM category whereas the minimum qualifying marks for that category is 160.00. Consequently, the marks (both written examination and oral test) of the said candidate have been withheld in the consolidated mark list. In the next successive stage i.e., after conclusion of oral test, at the time of preparing Consolidated Marks List for Oral Test, the above mentioned mistake was found out and this candidate was not considered for further selection process.”

3. The learned counsel for the petitioner would submit that it may not be open to the first respondent to go back once the petitioner has been permitted to participate in the subsequent selection process.

4. This Court finds the submission of the learned counsel for the petitioner unacceptable. It may not be permissible for the petitioner to take advantage of the inadvertent mistake in as much as the petitioner admittedly does not possess minimum qualifying marks in the written examination.

5. In that view of the matter, this Writ Petition stands dismissed. It is open to the second respondent to make any representation, if so advised, with regard to his right of appointment from the reservation list. If any such representation



is made, the same would be considered in accordance with law. Such exercise shall be carried out within a period of six weeks from the date of representation.

No costs. Consequently, connected miscellaneous petition is closed.

02-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GSK

To

The Secretary
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai-3.



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MOHAMMED SHAFFIQ J.

GSK

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