

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 21.01.2020	Delivered on 24.01.2020
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CORAM:

THE HONOURABLE MR. **JUSTICE N. ANAND VENKATESH****WRIT PETITION NOS.**

22535, 22542, 17784, 18476, 18669, 18671, 21727, 21694, 21806, 21807, 21949, 22010, 22040, 22047, 22153, 21986, 22264, 22267, 22286, 22313, 22337, 22342, 22357, 22364, 22368, 22373, 22377, 22380, 22372, 22393, 22405, 22411, 22416, 22421, 22424, 22429, 22410, 22431, 22435, 22455, 22462, 22468, 22472, 22475, 22479, 22487, 22490, 22496, 22505, 22511, 22485, 22488, 22479, 22557, 22563, 22569, 22575, 22579, 22586, 22589, 22596, 22602, 22592, 22603, 22613, 22605, 22619, 22642, 22648, 22651, 22649, 22663, 22653, 22655, 22672, 22674, 22677, 22680, 22684, 22681, 22690, 22693, 22699, 22702, 22705, 22698, 22704, 22706, 22707, 22709, 22710, 22713, 22715, 22724, 22725, 22726, 22727, 22729, 22728, 22730, 22749, 22757, 22759, 22758, 22776, 22783, 22789, 22793, 22784, 22797, 22804, 22807, 22808, 22811, 22812, 22814, 22815, 22831, 22823, 22828, 22834, 22836, 22841, 22842, 22847, 22844, 22867, 22868, 22875, 22878, 22890, 22930, 22934, 22941, 22980, 22988, 22998, 22995, 23000, 23002, 23003, 23004, 23013, 23029, 23058, 23062, 23060, 23066, 23071, 23075, 23095, 23012, 23119, 23157, 23178, 23213, 23215, 23220, 23225, 23246, 23265, 23288, 23308, 23313, 23320, 23322, 23327, 23316, 23356, 23364, 23367, 23369, 23399, 23418, 23422, 23420, 23421, 23439, 23469, 23477, 23481, 23484, 23478, 23479, 23518, 23522, 22537, 23602, 23654, 23656, 23663, 23696, 23699, 23701, 23719, 23668, 23671, 23672, 23675, 23680, 23670, 23677, 23683, 23687, 23689, 23747, 23792, 23819, 23822, 23833, 23844, 23892, 23914, 23915, 23919, 23921, 23927, 23930, 23932, 23944, 23947, 23962, 24037, 24046, 24056, 24059, 24067, 24110, 24118, 24119, 24135, 24212, 24331, 24391, 24401, 24403, 24460, 24504, 24512, 25000, 25104, 25169, 26444, 29396, 35380, 35846 of 2019, 21919, 21981, 22839, 22845, 22849, 22853, 22855, 22859, 22862, 22861, 22879, 22880, 22881, 23480, 27373, 13896, 29905, 30967, 32569, 32670, 32673, 34944 of 2019 & Cont.P.No.1662/2019

and WMP Nos.

W.P.No.22535 of 2019

T.Senthilnathan **WEB COPY** ..Petitioner

.Vs.

- 1.The Secretary,
Tamil Nadu Public Service commission,
Park Town Road, V.O.C.Nagar,
Park Town, Chennai-600 003.
- 2.The Transport Commissioner,

Transport Department,
Ezhilagam, Chepauk,
Chennai-600 005.

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

..Respondents

PRAYER in W.P.No.22535 of 2019:

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, to call for the records of the Tamil Nadu Public Service Commission (TNPSC), the 3rd Respondent in LIST-OT (Oral Test), containing the list of registration numbers of 33 candidates prepared by the 2nd Respondent dated 15.07.2019 who have been provisionally admitted to the oral test for appointment by direct recruitment to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service, 2013-2018 pursuant to Notification No.03/2018, dated 14.02.2018 issued by the 3rd Respondent and quash the same and consequently direct the 3rd Respondent to call 226 candidates for oral test based on the marks obtained by the candidates in the Written Examination conducted on 10.06.2018 and thereafter conduct certificate verification for direct recruitment of 113 candidates to the post of Motor Vehicle Inspector Grade-II in the Tamil Nadu Transport Subordinate Service, pursuant to Notification No.03/2018 issued by the 3rd Respondent.

For Petitioner in W.P.No.22535 of 2019

For Petitioner : Mr.U.Karunakaran

For Respondents in All WPs

For R 1 & R 3 : Mr.V.T.Gopalan
Standing Counsel
for Ms.C.N.G.Niraimathi (TNPSC)
Standing Counsel

For R 2 : Mr.Vijay Narayanan
Advocate General
Asstd by:
Mr.J.Pothiraj
Special Government Pleader

COMMON ORDER

The common issue that has arisen for consideration in all the above Writ Petitions questions the process of selection that has been adopted by the Tamil Nadu Public Service Commission [hereinafter referred to as "TNPSC"], which according to the petitioners is contrary to the selection procedure specified in the Notification and it also questions the selection of 32 candidates for oral test, who also suffer from the same disqualification that has been put against the petitioners. The petitioners complain that they are treated differently which has resulted in arbitrariness in the entire selection process.

There are also Writ Petitions filed questioning certain individual decisions taken by the TNPSC, dis-entitling the candidates to participate further in the selection. A decision that is going to be taken by this Court in the main issue that has been raised in majority of the Writ Petitions, will have an impact with regard to all the candidates who participated in the selection and therefore, this Court does not want to go into the issue that has been raised in those Writ Petitions independently.

2.The TNPSC issued Advertisement No.489, dated 14.02.2018, in Notification No.3/2018, inviting applications through online mode for direct recruitment to the post of Motor Vehicle Inspector Grade-II, coming under the Tamil Nadu Transport Subordinate Service, to fill up 113 posts in the scale of pay of Rs.35,900/- - 1,13,500/-. The last date for submission of online applications was fixed as 13.03.2018 and the last date for submission of attested hard copies of the documents along with printout of online application was fixed as 25.03.2018. The date of written examination for Paper-I and Paper-II was fixed to be held on 10.06.2018.

3.The educational qualification and experience as on

14.02.2018 was provided under Clause 6(B) of the Notification and the same is extracted hereunder:

6(B) EDUCATIONAL QUALIFICATION AND EXPERIENCE as on

14.02.2018.

Applicants should possess the following or its equivalent qualification and experience as on 14.02.2018 (i.e. the date of notification):-

QUALIFICATION	EXPERIENCE
<p>(i) SSLC</p> <p>(ii) Any one of the following Qualifications awarded by the State Board of Technical Education and Training, Tamil Nadu.</p> <p>A Diploma in Automobile Engineering (3 years Course)</p> <p>Or,</p> <p>A Diploma in Mechanical Engineering (3 years Course)</p>	<p>(i) Experience of having worked for a period of not less than one year both on vehicles fitted with diesel Engines on a full time basis in an Automobile Workshop which undertakes repairs of Light Motor Passenger Motor Vehicles, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles</p> <p>(ii) Must hold a valid driving licence authorising him to drive Motor Cycle, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles.</p> <p>and</p> <p>(iii) Must have experience in driving Heavy Transport Vehicles for a period of not less than six months after obtaining the licence referred to above.</p>

Provided that other things being equal, preference shall be given to those who possess Post Diploma in Automobile Engineering awarded by the State Board of Technical Education and Training, Tamil Nadu.

EXPLANATION: “Automobile workshop” shall mean

(A) An Automobile workshop owned by the Government or the State Transport Corporation.

or

(B) An Automobile workshop recognised or approved or certified by the Transport Commissioner of the Director, Motor Vehicles Maintenance Department for carrying out all kinds of repairs.

4. Annexure-II specifically provided for the model format for submitting the experience certificate. This experience certificate was directed to be issued by the Automobile Workshop as contemplated by the explanation to Clause 6(B) of the Notification.

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5. It was informed to the Court that totally about 2176 candidates applied for 113 posts of Motor Vehicle Inspector Grade-II. Out of this, the applications of 785 candidates were rejected. Hall tickets were issued to the remaining candidates to appear for the

written examination. The candidates were allowed to write the examination subject to the verification and acceptance of the workshop experience certificate, driving experience certificate and driving license, by the Transport/MVMD [Motor Vehicle Maintenance Department]. This condition is found under Clause 15 of the hall ticket that was issued to each candidate who took the written examination.

6.The Notification itself clearly stipulated the selection procedure under Clause 10 of the Notification and the same is extracted hereunder:

10. SELECTION PROCEDURE

"Selection will be made in two successive stages i.e., (i) Written Examination and (ii) Oral Test in the form of an interview. Final selection will be made on the basis of total marks obtained by the applicants at the Written Examination and the Oral Test taken together subject to the rule of reservation of appointments. Appearance in both the papers of the Written Examination and Oral Test is compulsory. Based on the marks obtained by the candidates in the Written Examination, the tentative list of eligible candidates for certificate verification will be announced in the Commission's website. After verification of the original certificates, the eligible

candidates will be summoned for Oral Test following the rule of reservation of appointments."

7.All the writ petitioners appeared for the written examination held on 10.06.2018. It is to be mentioned here that, before the hall ticket was issued to the petitioners, all the applications along with the certificates were scrutinized to ensure that the certificates were given by the Authorised Automobile Workshops and only thereafter, the petitioners were allowed to take the written examination.

8.It is also seen from the instructions given to the applicants by the TNPSC that where the selection is made on the basis of the written examination and oral test, the selection procedure will go through three stages which are;

a) Written examination

b) Certificate verification and

c) Oral test

The number of selected candidates for the oral test will be in the ratio of 1:2. That is for 113 posts, 226 candidates will be called for oral test by the TNPSC.

9.In the present case, after the written examination was taken by all the candidates, they were expecting them to be called for certificate verification. However, the petitioners came to know that the TNPSC had published on 15.07.2019, provisional list of candidates calling for oral test which was slated to be held on 05.08.2019. The list contained only the names of 33 candidates [later modified as 32 candidates]. The TNPSC had short listed 33 candidates for oral test and by implication it meant that all the other applications have been rejected. This impugned list of 33 candidates dated 15.07.2019, has become the subject matter of controversy in these Writ Petitions.

10.Heard Mrs.Nalini Chidambaram, learned Senior Counsel appearing on behalf of the petitioners, Mr.Vijay Naraynan, learned Advocate General appearing for the Transport Commissioner, Joint Transport Commissioners, Deputy Transport Commissioners and respective Regional Transport Officers and Mr.V.T.Gopalan, learned Senior Counsel appearing on behalf of the TNPSC.

11.The arguments on the side of the petitioners were led by Mrs.Nalini Chidambaram, learned Senior Advocate, Mr.Venkatramani, learned Senior Advocate, Mr.N.Subramanian, Mr.M.Ravi and Mr.Balan

Haridoss. All the other learned counsel adopted the arguments. Instead of reproducing the submissions made by each counsel, this Court thought it fit to record the common issues that have been raised and the same is extracted hereunder:

- The TNPSC being a constitutional functionary is vested with powers and duties under Article 320 of the Constitution of India and among other things, one of the most important duty that is vested on the Commission is to conduct examination for appointments to the services of the State and it is entrusted with the task of ensuring the constitutional mandate as to the reservations. To ensure the highest standards in the process, the Commission is given the highest degree of latitude in its operations and for that purpose, the Constitution of India ensures the independence of the Commission.

The responsibility of the TNPSC cannot be reduced to that of a mere recruiting agency and it is the duty of the Public Service Commission to go through the entire process of selection including certificate verification and it cannot delegate this authority to anyone else. However, in the present case, the Public Service

Commission has completely delegated its functions to the Transport Commissioner, Regional Transport Commissioners and Regional Transport Officers and the selection and rejection of candidates were based only on the recommendation made by these authorities. In view of the same, the entire selection requires interference. To substantiate this submission, the learned counsel relied upon the judgment of the Hon'ble Supreme Court in ***Buddhi Nath Chaudhary and Others .V. Abahi Kumar and Others*** reported in [2001 3 SCC 328].

- The selection process involves a written examination, certificate verification and oral test. The petitioners were never called for certificate verification and their certificates were verified behind their back without calling for any explanation and such procedure followed by the TNPSC is arbitrary.
- The TNPSC ought to have published the results of the written examination and thereafter called upon those who had succeeded in the written examination for certificate verification. However, without following this process, the impugned provisional list of 33 candidates

was published by calling upon them for oral test. This procedure is contrary to the procedure provided under the Notification and also the instructions given to the applicants.

- The only requirement that is provided under Clause 6(B) is to submit the experience certificate from an Automobile Workshop that is defined in the Notification and all the petitioners have submitted their certificates from the authorised Automobile Workshop. Inspite of the same, the rules of the game were changed midway and certain criteria which were not even notified, were adopted and consequently the candidature of all the petitioners were rejected.
- The petitioners' certificates have been rejected for the following reasons:
 - [a] Counter signature of the authorised authority not available in the records maintained by the Automobile Workshop.
 - [b] Details of ESI/PF not found.
 - [c] Mode of payment of salary by the Automobile Workshop not produced.

[d] No separate driving experience provided since Workshop experience and driving experience is for the same period.

[e] Attendance and pay register not available in the Workshop.

[f] Candidate has experience only in diesel engine fitted Heavy Vehicles and not in petrol engines.

[g] No experience in diesel engine fitted Heavy Vehicles.

[h] No on-road/field experience and;

[i] Workshop or the Firm which provided the certificate not functioning in the given address.

All these requirements were not provided in the Notification and the only requirement that is to be satisfied is to submit an experience certificate from an authorised Automobile Workshop. Adding further qualifications/new conditions, to reject the candidature, will tantamount to changing the rules of the game after the process of selection had started. This goes against the settled principles of law. To substantiate this submission, the learned counsel relied upon the

judgments of the Hon'ble Supreme Court in **K.Manjusree .V. State of Andhra Pradesh and Another** reported in [2008 3 SCC 512] and **Tej Prakash Pathak and Others .V. Rajasthan High Court and Others** reported in [2013 4 SCC 540].

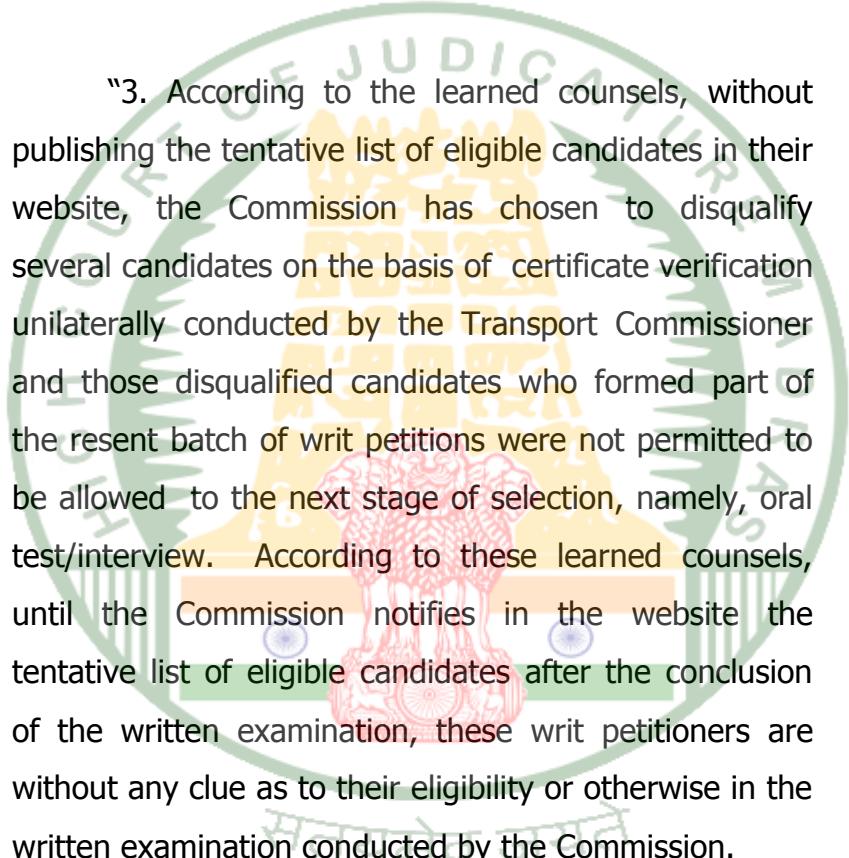
- Even if these disqualifications are accepted for the sake of arguments, they must be uniformly applied across the board and accordingly, if such disqualification is found even in the case of selected candidates, their candidature must also be rejected. However, in the present case, inspite of the very same disqualification suffered by the selected candidates, they were treated differently and selected for the oral test and therefore the entire selection becomes arbitrary.
- Even if the respondents have the right to verify the certificates granted by the Automobile Workshop, such verification of certificates should not lead to adding additional qualifications, which has actually led to arbitrariness in the selection of candidates.
- A similar selection took place in the previous years and the very same qualification was prescribed insofar as

the experience certificate was concerned and the candidature was not rejected on the grounds of deficiency found in the experience certificate and the rejection was only due to the fact that the candidate did not reach the cut-off marks. Therefore, the experience certificate from the Authorised Workshop cannot be treated differently in each selection.

- The impugned provisional selection list is liable to be quashed and the TNPSC must be directed to publish the examination results and thereafter for those who have qualified, certificate verification must be done independently by calling the candidate and thereafter the oral test must be conducted, before the final selection.

12. During the pendency of these Writ Petitions, this Court passed an interim order on 30.07.2019, directing the TNPSC, to call the petitioners in all the Writ Petitions for the interview/oral test which was scheduled to take place on 05.08.2019 and to keep the results in a sealed cover until further orders. This order was modified by a subsequent order dated 01.08.2019, wherein, the 33 candidates, who

were selected for the oral test were permitted to take the test on 05.08.2019 and a direction was given not to publish the results till a final decision is taken in these writ petitions. The matter thereafter came up for hearing on 26.08.2019 and this Court passed the following order:

 "3. According to the learned counsels, without publishing the tentative list of eligible candidates in their website, the Commission has chosen to disqualify several candidates on the basis of certificate verification unilaterally conducted by the Transport Commissioner and those disqualified candidates who formed part of the resent batch of writ petitions were not permitted to be allowed to the next stage of selection, namely, oral test/interview. According to these learned counsels, until the Commission notifies in the website the tentative list of eligible candidates after the conclusion of the written examination, these writ petitioners are without any clue as to their eligibility or otherwise in the written examination conducted by the Commission.

4.Sri.V.T.Gopalan, learned Senior Counsel appearing for the Commission sought time for getting instructions from the Commission and today, when the matters were listed again for hearing, the learned Senior counsel would submit that as consistently held by the Hon'ble Supreme Court of India that the marks obtained by each of the candidates need not be published unless the entire selection process is over. According to

the learned Senior Counsel by publication of individual marks would result in multitude of litigations stalling further process of selection and in which event, the entire selection would get derailed midway and that situation would not advance the public interest.

5. At this, this Court confronted with the learned Senior Counsel that as per Clause of the Notification, it is clearly mentioned that the tentative list of eligible candidates need to be announced in the website based on the marks obtained by the candidates in the written examination which clearly means that the list of eligible candidates need to be published or necessarily with indication of individual marks obtained by the candidates. The Commission having provided such a procedure in its own Notification, cannot take a stand that it need not publish the tentative list of eligible candidates before calling for certificate verification sans individual marks. Therefore, this Court is of the considered view that it is imperative on the part of the Commission to publish tentative list of eligible candidates before certificate verification without mentioning the marks obtained by the individual certificate as that would, in fact, provide clarity as to the candidates who were found to be eligible to be admitted to the next stage of selection, namely, certificate verification/oral test/interview. Instead of announcing the tentative list of eligible candidates on the website, the Commission's action in embarking on certificate verification on the basis of advice/directives of the Transport Commissioner is clearly not in consonance of

the procedure contemplated in the Notification. Such certificate verification before announcing the tentative list of the eligible candidates is like putting the cart before the horse. Once a particular procedure is contemplated in the Commission's Notification, such procedure needs to be adhered to without any deviation or departure from such requirement, particularly as found in Clause 10 of the Notification.

6.In the above circumstances, this Court is of the considered view that in the interest of all concerned the Commission is to be directed to announce the list of eligible candidates on the basis of the marks obtained by them in the written examination on the Commission's website without disclosing the individual marks obtained by each of the candidates and such procedure would fulfill the requirement of Clause 10 of the Notification and would also take care of preliminary objection raised by all the learned counsels appearing for the petitioners.

7.Accordingly, the Commission is directed to publish in its website the tentative list of all eligible candidates based on the marks obtained by them in the written examination sans individual marks within a period of one week from the date of receipt of a copy of this order”.

13.The above order became a subject matter of challenge in W.A.No.3261 of 2019 and the Hon'ble Division Bench by order dated 24.09.2019, stayed the above order. The Writ Appeal came up for final

hearing on 22.10.2019 and the Hon'ble Division Bench of this Court passed the following order:

"4.In these circumstances, we request the learned Single Judge to decide the writ petitions expeditiously, after hearing all the concerned parties in the matter. We further direct that the effect of paragraphs 6 and 7 of the order dated 26.08.2019 shall not be given and *status quo* regarding appointment shall be maintained till the writ petitions are disposed. With these observations, the Writ Appeals are disposed of".

14.It is pursuant to the above order, all these Writ Petitions were listed for final hearing. Even though, the Hon'ble Division Bench had ordered *status quo* to be maintained regarding appointment, till the disposal of the Writ Petitions, the TNPSC proceeded to publish the results of the 32 candidates including the marks secured by them in the oral test. Therefore, this Court felt that any decision rendered in these Writ Petitions will affect the rights of the 32 selected candidates and therefore this Court by an order dated 03.12.2019 in WMP No.33127 of 2019 in WP No. 23670 of 2019, impleaded all the 32 selected candidates as respondents in all the Writ Petitions and they were also heard.

15.The primary contention that has been raised on behalf of the petitioners is that the TNPSC, which is a constitutional functionary vested with the task of independently undertaking appointments to the services of the State under Article 320 of the Constitution of India, has abdicated its authority and has virtually delegated its powers to the Transport Commissioner and Regional Transport Officers and has taken their decisions to be final regarding the selection of candidates, without any independent application of mind.

16.In order to appreciate this contention, two documents are required to be taken note of by this Court. The first document is the letter dated 27.09.2018, that was written by the TNPSC to the Transport Commissioner. The relevant portions in the letter is extracted hereunder for better appreciation.

"I am directed to invite kind attention to the reference cited, and to state that the Commission has invited applications for direct recruitment to the post of Motor Vehicles Inspector, Grade-II in the Tamil Nadu Transport Subordinate Service on 14.02.2018. The date of examination was scheduled to held on 10.06.2018.F.N & A.N.

Before the conduct of examination the Transport Department staff had deputed to Commission's office to scrutinize and certify the validity of driving license, driving experience and whether the workshop in which the candidates have experienced is approved by the Motor Vehicle maintenance Department. Thereafter examination was conducted on 10.06.2018 F.N.& A.N. as per the schedule.

During the scrutiny of applications it was noticed that in certain driving license ID the previous expiry date was not mentioned. Therefore it was not known whether it is valid or not at the time of Notification. Those licenses have to be verified now from the concerned Regional Transport Officers.

Further out of 1328 appeared candidates 1324 candidates details were already been sent to the office of Transport Commissioner on 31.08.2018 for ascertaining the validity of the driving license, genuineness of the experiences possessed by the candidates and getting its approval on them.

Now the details of remaining 4 candidates are now been sent herewith to the Office of the Transport Commissioner to ascertain the validity of the driving license, genuineness of the experiences possessed by the candidates and getting its approval on them.

Moreover, it was requested to segregate the documents district wise. Accordingly the documents of the candidates are sorted and the CD containing the district wise details of driving license and workshop experience of 1328 candidates is prepared and sent herewith for your

convenience.

I am therefore to request that a report of all the 1328 candidates may kindly be sent to the Commission's Office in detail with specific remarks for each candidate on or before 22.10.2018".

17. It is clear from the above letter that the TNPSC had assigned the task of scrutinizing and verifying the validity of the driving license, driving experience and genuineness of the experience certificate possessed by the candidate as certified by the Automobile Workshop, to the Transport Commissioner for all the 1328 candidates. The TNPSC had called for a report from the Transport Commissioner with specific remarks for each candidate. This exercise undertaken by the Commission cannot be faulted with since the TNPSC wanted to ensure that the certificates produced by the candidates from the Automobile Workshop are genuine and that they actually reflect the real state of affairs of every candidate. TNPSC also did not have the infrastructure/manpower to undertake this exercise.

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18. The question of delegation will arise only where the TNPSC had entrusted its authority with another or empowered another to act as its agent or representative. The delegation of powers will result in another authority performing the said function. In this case,

the TNPSC retained with itself the power of selection of candidates to the post of Motor Vehicle Grade-II and for the purpose of taking such a decision, it had called for a report from the Transport Commissioner.

19. It will also be of relevance to take note of the directions issued by the Transport Commissioner to the Joint Transport Commissioners, Deputy Transport Commissioners and Regional Transport Officers by his letter dated 30.08.2018. The said letter is extracted hereunder:

“பார்வை 2 மற்றும் 3-ல் காணும் கழுத்தில் செயலர், தமிழ்நாடு அரசு பணியாளர் தேர்வானையம் அவர்கள் 2011-2017-ஆம் ஆண்டிற்கான மோட்டார் வாகன ஆய்வாளர் நிலை-2 பதவிக்கு 116 காலிப்பணியிடங்களை நிரப்ப நிலை-2 பதவிக்கு 116 காலிப்பணியிடங்களை நிரப்ப 14.02.2018-ல் அறிவிப்பு எண்.03/2018 வெளியிடப்பட்டு 1324 விண்ணப்பதாரர்ஸ் தேர்வு எழுத அனுமதிக்கப்பட்டனர்.

மேலும் தமிழ்நாடு போக்குவரத்து சார்நிலைப் பணி விதி எண்.5(பி)-ன்படி மோட்டார் வாகன ஆய்வாளர் நிலை - 2 பதவிக்கு தெரிவு செய்யப்படும் விண்ணப்பதாரர்கள் கீழ்க்கண்ட அனுபவ தகுதிகள் பெற்றிருக்கவேண்டும் என தெரிவிக்கப்பட்டுள்ளது.

- Experience of having worked for a period of not less than one year both on vehicles fitted with petrol engines and vehicles fitted with petrol engines and vehicles fitted with diesel engines on a full time basis in an Automobile Workshop which

undertakes repairs of light motor vehicles, heavy goods vehicles and heavy passenger motor vehicles;

ii) Must hold a driving licence authorizing him to drive motor cycle, heavy goods vehicles and heavy passenger motor vehicle and must have experience in driving heavy transport vehicles for a period of not less than six months;

Explanation:- "Automobile Workshop" for the purpose of entry (iii) above means:

(a) An automobile workshop owned by the Government or the State Transport Corporation; or

(b) An automobile workshop recognized or approved or certified by the Transport Commissioner or the Director, Motor Vehicles Maintenance Department for carrying out all kinds of repairs.

மேற்கண்ட விதிமுறைகளை ஆய்வு செய்யும் பொருட்டு தமிழ்நாடு அரசு பணியாளர் தேர்வாணையம் மூலம் பெறப்பட்ட 1324 விண்ணப்பதாரர்களின் சான்றுகளில் தமிழ்ம் சார்ந்த விண்ணப்பதாரர்களின் சான்றுகளின் உண்மைத்தன்மை பெற விண்ணப்பங்களை சரக வாரியாக பிரிக்கப்பட்டுள்ளது.

மேலும், மோட்டார் வாகன ஆய்வாளர் நிலை-2 பதவிக்கு விண்ணப்பதாரர்கள் சமர்ப்பித்துள்ள சான்றிதழ்கள் (Workshop Verification/Driving Licence/Driving Experience) ஆகியவற்றை சம்மந்தப்பட்ட வட்டாரப்போக்குவரத்து அலுவலர்கள் மட்டும் ஆய்வு செய்து அதன் விவரங்களை இத்துடன்

இணைத்தனுப்பப்பட்டுள்ள படிவங்களில் (Annexure-I,II) பூர்த்தி செய்து சான்றொப்பமிட்ட சான்றிதழ் நகல்களுடன் இரண்டு பிரதிகளை சம்மந்மப்பட்ட வட்டாரப்போக்குவரத்து அலுவலர்களிடம் உண்மைத்தன்மை அறிக்கையை பெற்று 15.11.2018 – க்குள் இவ்வலுவலகத்திற்கு அனுப்பி வைக்குமாறு சமம்ந்தப்பட்ட சரக அலுவர்கள் கேட்டுக் கொள்ளப்படுகிறார்கள்.

மேலும் சான்றிதழ்களை (Workshop
Verification/Driving Licence/Driving Experience)
இவ்வலுவலகத்திலிருந்து பெற்று செல்ல உதவியாளர் ஒருவரை நேரில் அனுப்பி பெற்றுக்கொள்ளுமாறு கேட்டுக்கொள்ளப்படுகிறார்”.

20.The Transport Commissioner on receipt of the requisition made by the TNPSC, in turn had directed the Joint Transport Commissioners and Deputy Transport Commissioners including the Regional Transport Officers to verify the certificates of the candidates and submit the same to the Transport Commissioner. It is pursuant to this letter, the concerned authority had scrutinized the certificates and given their remarks in two proformas for each candidate. One proforma pertained to the workshop experience and the second proforma pertained to the driving experience.

21.The TNPSC while publishing the provisional list of 32 candidates selected for the oral test and while rejecting the candidature of all the others, has only taken into consideration the recommendation

made by these authorities.

22. It is at this juncture, the manner in which the authorities had recommended or rejected the candidates and the basis on which it was done, gains significance. A careful scrutiny of the records produced before this Court shows that the authority had broadly taken the following heads to ascertain the validity of the certificate given to each candidate by the Automobile Workshop.

- [a] Counter signature of the authorised authority not available in the records maintained by the Automobile Workshop.
- [b] Details of ESI/PF not found.
- [c] Mode of payment of salary by the Automobile Workshop not produced.
- [d] No separate driving experience provided since workshop experience and driving experience is for the same period.
- [e] Attendance and pay register not available in the workshop.
- [f] Candidate has experience only in diesel engine fitted Heavy Vehicles and not in petrol engines.

- [g] No experience in diesel engine fitted Heavy Vehicles.
- [h] No on-road/field experience and;
- [i] Workshop or the Firm which provide the certificate not functioning in the given address.

23.The learned counsel appearing on behalf of the petitioners have questioned the above categories that have been considered for the purpose of scrutiny of the certificates. It is their contention that the above categories were not provided in the Notification and by adding the qualifications in the name of verification, the rules of the game have been changed midway during the selection.

24.The learned Advocate General submitted that the Automobile Workshops which issue the certificates are the ones which are recognized/approved/certified by the Transport Commissioner or by the Motor Vehicles Maintenance Department. Therefore, it is always open to scrutinize/verify such certificates so as to ensure that the candidates to whom the certificates were given satisfy the requirements. The manner in which the verification is going to be done need not be stated in the Notification, till there is uniformity maintained in such scrutiny for all the candidates. The learned Advocate General

further submitted that this will not amount to changing the rules of the game midway in the process of appointment.

25.In the present case, the eligibility criteria insofar as experience is concerned is by way of producing a certificate from the Automobile Workshop that has been defined in the Notification. This eligibility criteria has not been tinkered in this case and admittedly all the candidates have submitted the certificates issued by these approved/recognized Automobile Workshops. As rightly contended by the learned Advocate General, it will always be open to scrutinize/verify the genuineness of the certificates issued by these Automobile Workshops and it is not necessary to state in the Notification as to how it is going to be done. This exercise is only to ensure that the certificate given by the concerned Automobile Workshop is genuine. This is more so considering the post that is involved in the present case.

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26.One important issue that has led to a total confusion in the selection process is that what was found to be a disqualification for a non-selected candidate, was also found for a selected candidate and inspite of the same, 32 candidates were selected for the oral test. This can be demonstrated with the following tabular column:

**COMPARITIVE TABLE OF SELECTED AND REJECTED CANDIDATES IN
THE MATTER CONCERNING
APPOINTMENT OF GRADE II MOTOR VEHICLES INSPECTORS**

REASON

Work Experience & Driving Experience	
▪ Counter Sign and details ESI/PF not available	
▪ Mode of Payment not produced	

DETAILS OF CANDIDATES

List and Details of Rejected Candidates				List and Details of Selected Candidates		
S.No .	W.P. No.	Name of Candidate	Application No.	S.No.	Name of Candidate	Application No.
1.	WP 21986/2019	P. Sugadev	803000962	1.	S. Abdul Manaf	803000865
2.		P. Satheeshprabu	803000910	2.	A. Raja Mohamed	803000066
3.		K. Saravana Kumar	803001042	3.	A. Sait Abdul Kareem	803000337
4.		K. Arun	803000534	4.	M. Guna	803000507
5.		V. Manoharan	803001148	5.	P. Varadharajan	803000482
6.		D. Vimalraj	803000746	6.	I. Sivanatarajan	803002455
7.		S. Anburose	803002330	7.	M. Mohamed Adhil	803000909
8.		R. Manikandan	803000961	8.	M. Vignesh	803001601
9.	WP 21694/2019	S.Kesavamoorthy	803000781	9.	S. Senthil Kumaran Bose	803001360
10.	WP 22010/2019	C.Pannerselvan,	803001093	10.	J. Ravishankar	803001028
11.	WP 22364/2019	R.Senthilkumar	803000548	11.	E. Sathiyamoorthi	803000793
12.	WP 21919/2019	T.Sathish Kumar	803000499	12.	N. Vaithi	803001104
13.	WP 22405/2019	T.Sathish Kumar	803000171	13.	N. Venkataraman	803001091
14.	WP 22410/2019	R.S.Nithesh	803001205	14.	B. Prasanna Raja	803001367
15.	WP 22411/2019	V.Gopi	803001299	15.	R. Gobinath	803000403
16.	WP 22424/2019	J.Kalaiselvan,	803000976	16.	D. Dineshkumar	803001507
17.	WP 22455/2019	J.Saranya	803000515	17.	S. Vinish	803000729
18.		P.Suresh,	803001107	18.	M. Jayakrishna	803001373
19.		N.Vallabaibatel,	803001539	19.	S. Radhakrishnan	803001253
20.		K.Chandrasekaran,	803000931	20.	N. Sasikumar	803000892
21.		V.Ramesh,	803001777			

22.		L.Periyannan,	803001283			
23.		N.Santhi,	803001564			
24.		G.RamKumar	803001117			
25.	WP 22462/2019	Suresh Kumar,	803000818			
26.	WP 22472/2019	N.M.Prakkash	803001551			
27.	WP 22535/2019	T.Senthilnathan	803001141			
28.	WP 22542/2019	U.Omezhilan	803001061			
29.	WP 22579/2019	S.Gowtham karthick	803000219			
30.	WP 22586/2019	S.Vasantharaja	803001784			
31.	WP 22592/2019	B.Kavith	803000684			
32.	WP 22596/2019	M. Chandrasekar	803001290			
33.	WP 22613/2019	T.Narendhran	803001467			
34.	WP 22619/2019	S.Vasudaven	803000542			
35.	WP 22649/2019	S.Deepakpatel	803001128			
36.	WP 22681/2019	K.Prasanna Venkatesh	803001252			
37.	WP 22699/2019	D.M.Vignesh	803001078			
38.	WP 22704/2019	G. Balasubramanian	803000539			
39.	WP 22724/2019	R. Selvam,	803000543			
40.	WP 22730/2019	A.P. Kalidas,	803001379			
41.	WP 22749/2019	S.Mohanavelu	803000552			
42.	WP 22759/2019	S. Shahitha Farvin	803001380			
43.	WP 22789/2019	S.Omprakash	803001297			
44.	WP 22807/2019	R.Baskar,	803000995			
45.	WP 22812/2019	P.Jayamurugan	803002497			
46.		M.Sakthivel	803000824			
47.		N.Balanarasimman	803001045			
48.		E.Selvan	803001340			
49.		S.Saravanaraj	803001082			

50.		B.Karthick Raja	803001182			
51.		P.Mathivanan	803001510			
52.		S.Ramesh	803001244			
53.		M.K.Arul Prasad	803000916			
54.		C.Prabu	803000973			
55.		S.Nedunjazhian	803001301			
56.		K.Senthil	803001013			
57.		S.Vishnu Prakash	803001736			
58.		A Nallappan	803001271			
59.		M.Sureshkumar	803001595			
60.		O.Iavarasan	803001808			
61.		C.Selvaraj	803001269			
62.		R.Ashok	803001632			
63.		A.S.Mohammed Hussain	803000849			
64.		D.Venkatachalapathy	803001799			
65.		C.Ramesh	803000759			
66.		A.Aswin	803001621			
67.		P.Ramkumar	803000911			
68.		D.Vanji Kumar	803001217			
69.		M.Sarveswaran	803001084			
70.		P.Haripriya	803000699			
71.		A.Gopu	803001177			
72.		G.Janakiraman	803001518			
73.		D.Ganeshbabu	803000585			
74.		V.Aravind	803001119			
75.		T.SaravanaBava	803001878			
76.		B.Sasirekha	803000972			
77.		P.Narendran	803001077			
78.		G.Selvakumar	803002143			
79.		S.Selvarasu	803002248			
80.		R.Dhanabal	803001672			
81.		T.S.Saran Ganesh	803001918			
82.	WP 22814/2019	S.Dharmendra	803001101			
83.	WP 22823/2019	T.K.Yuvaraja	803001658			
84.	WP 22836/2019	P. Ramesh Babu	803001659			
85.	WP 22847/2019	A.M. Kathiravan	803001003			
86.	WP 22868/ 2019	E.E.Karthik	803001265			

87.	WP 22878/2019	K.Chozhan Athitha Vijayalayan,	803001394		
88.	WP 22880/2019	S.Thirumalan,	803000758		
89.	WP 22881/2019	S.D.Mathivanan,	803000907		
90.	WP 22890/2019	T.Jayaprasath	803001341		
91.	WP 22995/2019	V.Shanmugam	803000078		
92.	WP 22998/2019	J. Gowthamraj,	803001823		
93.	WP 23060/2019	C.Ravi	803002094		
94.	WP 23157/2019	K.Gokul	803002200		
95.	WP 23225/2019	V.Anthonimuthu	803001130		
96.		K.PARTHIBAN	803001470		
97.		S.Lakshmanavenkat	803001047		
98.		R.KEERTHANA	803001951		
99.		S.K.Loganathan	803001589		
100.	WP 23288/2019	M.Sasikumar	803001556		
101.	WP 23369/2019	K.Balamurugan	803001909		
102.	WP 23421/2019	S.Mohanraj	803001258		
103.	WP 23469/2019	P.Radhakrishnan,	803000966		
104.		C.Vignesh,	803001509		
105.		P.Saravana Kumar	803001867		
106.		S.Velmurugan	803001647		
107.	WP 23478/2019	S.Selvakumar	803001132		
108.	WP 23481/2019	S.Shanmugavalli	803001016		
109.	WP 23484/2019	M.Mahendra Boopathi	803000856		
110.	WP 23518/2019	S.Anand	803000648		
111.	WP 23522/2019	A.Muthukrishnan	803000602		
112.	WP 23668/2019	R.A.Thamarai Kannan	803000593		
113.	WP 23670/2019	D.Gautham	803001530		
114.		R.Manoj Prabhar	803001210		

115.	WP 23671/2019	R. R. Kannan	803000606			
116.	WP 23672/2019	E. Pooveandan	803002366			
117.	WP 23675/2019	B. Kokila	803000589			
118.	WP 23833/2019	S.RAJASEKAR	803000251			
119.	WP 23962/2019	V.Krishna Kumar	803000261			
120.	WP 24056/2019	B.SENTHIL	803001669			
121.	WP 24135/2019	J.ArceRajan	803000942			
122.	WP 24212/2019	P.Vignesh	803000788			
123.	WP 25169/2019	S.Sankar	803000774			
124.		S.Muthukumar	803001860			
125.		N.Tamilselvan	803000514			
126.		S.Karthik Madhan	803000590			
127.		L.K.Ravi	803000662			
128.		S.Ponnusamy	803000939			
129.		B.Navaneetha Krishnan	803001239			
130.		M.Mohanraj	803001369			
131.		M.Nandhakumar	803001734			
132.		M.Dinesh Kumar	803000863			
133.		P.DINESH KUMAR	803001246			
134.		S.Vijayakumar	803001476			

REASON

- No separate Driving Experience provided workshop experience and driving experience is for the same period.
- Attendance and Pay Register not available in the workshop.

DETAILS OF CANDIDATES

List and Details of Rejected Candidates			List and Details of Selected Candidates			
S.No	W.P. No.	Name of Candidate	Application No.	S.No.	Name of Candidate	Application No.
1.	WP 22487/2019	P. Ganesh Babu	803001450	1.	R. Ravi	803001414
2.	WP22496 / 2019	C. Palanivel	803001395	2.	U. Sakthivel	803001631

3.	WP 21727/2019	T. Balaji	803000821	3.	R. Vijayaraj	NA
4.	21986 /2019	K. Arun	803000534	4.	M. Jayakrishna	803001373
5.		V. Manoharan	803001148	5.	M Mohamed Adhil	803000909
6.		S. Anburose	803002330	6.	N. Kubendiran	803000775
7.		S. Sivadevan	803001143	7.	R. Venkatagiri	803001563
8.		P. Durga Sudha	803000642	8.	M. Shanmugam	NA
9.	22812 /2019	C.Vinothkumar	803000993	9.	N. Sasikumar	803000892
10.		T. Vinoth	803000616	10.	S. Lakshmanan	803000352
11.		D. Vanjikumar	803001217	11.	M. Vignesh	803001601
12.		S. Arun Kumar	803000897	12.	S. Senthilkumaran Bose	803001360
13.		M. Surveswaran	803001084	13.	S. Vinish	803000729
14.		K. Keerthivarman	803001570	14.	R.J. Dinesh Kumar	8003001507
15.		G. Murugathalaphathi	803000673			
16.		A. Sreegharan	803000440			
17.		S. Eswaramoorthy	803000901			
18.		S. Suresh	803001656			
19.		G. Janakiraman	803001518			
20.		D. Ganeashbabu	803000585			
21.		T. Saravanabava	803001878			
22.		S.L. Vimal	803000592			
23.		A. Saravanan	803001147			
24.		Y. Allwin Roy	803002474			
25.		K. Balasubramanian	803001856			
26.	23225 /2019	K. Srinivasan	803000620			
27.		S. Govindarajan	803000985			
28.		P. Senthil Kumar	803000640			
29.	23469 /2019	C. Arun Kumar	803001390			
30.		M. Remijiuse	803001836			
31.	22579 /2019	Mohamed <i>Sameem</i>	803000560			

REASON

- Workshop/firm which provided the certificate not functioning in the given address

DETAILS OF CANDIDATE

List and Details of Rejected Candidates				List and Detials of Selected Candidates		
S.No.	W.P. No.	Name of Candidate	Application No.	S.No.	Name of Candidate	Application No.
1.	WP 22812/2019	R. Dhanabal	803001672	1.	J. Ravishankar	803001028
2.	WP 22812/2019	R. Viswanathan	803001122	2.	N. Vaithi	803001104
3.	WP 22980/2019	P.Sureshkumar	803001391	3.	N. Venkataraman	803001091
4.		D. Saravanan	803001912			
5.		T.R.Manoj	803001780			
6.	WP 21949/2019	K.Venkatesan	803000844			
7.	WP 23029/2019	I.Jeyaraman	803000670			
8.	WP 22941/2019	C. Jeyaselvan	803000730			
9.	WP 22605/2019	K.G. Rajasekaran	803001198			

REASON

- Candidate has experience only in Diesel Engine fitted heavy vehicles which is not as per notification of TNPSC
- No experience in Diesel Engine fitted heavy Vehicles

DETAILS OF CANDIDATES

List and Details of Rejected Candidates				List and Detials of Selected Candidates		
S.No.	W.P. No.	Name of Candidate	Application No.	S.No.	Name of Candidate	Application No.
1.	WP 18669/2019	C.Sasikumar	803000960	1.	E. Sathiyamoorthi	803000793
2.	WP 21807/2019	S.Dhanapal	803001537	2.	S. Vinish	803000729
3.	WP 21949/2019	K.Venkatesan	803000844			

4.	WP 21986/2019	S. Sivadevan	803001143				
5.	WP 22372/2019	P.Jegatheeswaran	803002035				
6.	WP 22393/2019	M.Mohamed Rowther	803002090				
7.	WP 22605/2019	K.G.Rajasekaran	803001198				
8.	WP 22655/2019	A. Wasim Ahamed,	803001543				
9.	WP 22709/2019	M. Vijaya Kumar	803000778				
10.	WP 22715/2019	P.Baskar,	803002001				
11.	WP 22804/2019	S.Surendharraj	803000764				
12.	WP 22811/2019	A.Gowthaman	803001172				
13.	WP 22812/2019	M.Suresh	803001656				
14.	WP 22812/2019	A.Jayavel	803002351				
15.	WP 22812/2019	R.Viswanathan	803001122				
16.	WP 22812/2019	G.Selvakumar	803002143				
17.	WP 22815/2019	V.Lakshmanan	803000809				
18.	WP 22831/2019	V.R.Muralidharan	803001098				
19.	WP 22839/2019	R.M.Manimozhி,	803001436				
20.	WP 22934/2019	D.Prabu	803001762				
21.	WP 22988/2019	S. Rajkumar	803001701				
22.	WP 23075/2019	Vijayakumar K.R	803002346				
23.	WP 23225/2019	R.Raja	803002581				
24.	WP 23327/2019	V.M.Balu	803001066				
25.	WP 23420/2019	G.Senthil Kumar,	803001302				
26.	WP 23602/2019	V.Anbuchudar	803002265				
27.	WP 23654/2019	K.Mani	803000823				

28.	WP 23654/2019	R. Srinivasan	803001817				
29.	WP 23689/2019	S.Prasath	803001069				
30.	WP 23696/2019	K.Arunkmoli	803002488				
31.	WP 23819/2019	V.Santhana Prabu,	803002619				
32.	WP 24118/2019	M.Arulraj	803001185				
33.	WP 24391/2019	S.Anandamoorthy	803000806				
34.		R.Vijayakumar	803002443				
35.		M.Govindarajan	803000956				
36.		P.Shanmugavalli	803001113				
37.		P.Sasikumar	803001296				
38.		R.Sathishkumar	803001477				
39.		M.Nandhakumar	803000886				
40.		B.Balamurugan	803001675				
41.	WP 22264/2019	S.Vinoth Kumar,	803001488				
42.	WP 22342/2019	R.Krishnakumar	803001295				
43.	WP 22490/2019	Sathyanath Singh	803001050				
44.	WP 22511/2019	A.Ragupathy	803000754				
45.	WP 22648/2019	E.Jayamurthi	803001651				
46.	WP 22651/2019	P.Ramesh	803001096				
47.	WP 22727/2019	V.Gopinath	803000628				
48.	WP 22729/2019	R.Vivek	803000634				
49.	WP 22812/2019	R.Ramesh	803001956				
50.	WP 22834/2019	G.Ramakrishnan	803001976				
51.	WP 22861/2019	G.Balaraman,	803001593				
52.	WP 22867/2019	J.Arun Balaji	803001748				
53.	WP 23013/2019	B.Pranesh	803002100				
54.	WP 23308/2019	P.Ponnusamy	803001228				

55.	WP 23313/2019	V.Devadoss	803001994				
56.	WP 23320/2019	S.M. Kavikumar	803002088				
57.	WP 23322/2019	Ma.Deenaghanan	803000835				
58.	WP 23422/2019	R. Venkatesan	803001358				
59.	WP 23469/2019	M.Gnanakumar,	803001181				
60.	WP 23699/2019	M. Gopi	803001089				
61.	WP 23892/2019	R.Lokesh	803001345				
62.		P.Devaraj	803000757				
63.	WP 23002/2019	D.Arun	803000913				

REASON

- No on road/ field experience

DETAILS OF CANDIDATES

List and Details of Rejected Candidates				List and Details of Selected Candidates		
S.No.	W.P. No.	Name of Candidate	Application No.	S.No.	Name of Candidate	Application No.
1.	WP 22839/2019	R.M.Manimozhi	803001436	1.	R. Vijayaraj	NA
				2.	M. Govan Dhas	NA
				3.	M. Shanmugam	NA
				4.	V. Punniakoti	803001520
				5.	G. Vigneshwari	NA

सत्यमेव जयते

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27. It is clear from the above tabular column that whatever was found to be a disqualification for the non selected candidate was also equally found for the selected candidates and inspite of it, they have been selected for the oral test and the final results have also been published. What is sauce for a goose is a sauce for the gander. This term is used to emphasize upon the fact that the selected and the non-selected candidates ought to have been treated equally when it came to identifying the criteria for disqualification. This principle becomes very important and is required to be followed in all public employments.

28. This apparent arbitrariness was pointed out to the learned Advocate General and this Court requested the learned Advocate General to verify the discrepancies pointed out by this court in the above tabular column. The learned Advocate General sought for some time to verify the records and to get back on this issue.

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29. The matter was again taken up for hearing on 08.01.2020 and this Court passed the following order:

"The learned Advocate General submitted that a decision has been taken to conduct a fresh certificate

verification with regard to the Workshop experience and Driving experience of all the candidates. The learned Advocate General further submitted that the Transport Commissioner will formulate the guidelines for the verification of the certificates and the same will be placed before this Court. If this Court is satisfied with the guidelines or if anything has to be added or deleted, the same will be taken into consideration and a fresh verification process will be started in order to ensure transparency in the process of Certificate verification.

2.Mr.V.T.Gopalan, learned Senior Counsel appearing on behalf of TNPSC submitted that there will be difficulty in publishing the results with the marks of the candidates, since it will tilt the balance during the oral interview. This Court suggested that the provisional list of all those candidates, who had cleared the written examination alone can be published without indicating the marks. If this is done, the certificate verification can be confined only to those candidates and it need not be done for all those, who have not cleared the written examination. The learned Senior Counsel sought some time to put forth the suggestion to the TNPSC and to get back on this issue.

3. Post this case on 20.01.2020 at 2.15 p.m."

30.The matter was again taken up for hearing on 21.01.2020 and a memo was filed by the Transport Commissioner and the same is extracted hereunder:

"It is submitted that the above Writ Petitions came up for hearing on 08.01.2020 before the Hon'ble High Court of Madras. Consequent to this the Hon'ble Advocate General of Tamil Nadu has directed to evolve criteria for verifying the genuineness of the Workshop and Driving Experience of the candidates who have applied for the post of Motor Vehicles Inspector Grade-II. In pursuance of this, the following criteria may be adhered for verification of the Workshop Experience Certificate and Driving Experience Certificate.

1. The Director, Motor Vehicles Maintenance Department, Velachery Chennai in his office letter R.No.A4/15808/2015, dated: 30.12.2016 has mentioned that in the Private Workshops during the validity period of their approval, any Workshop Experience certificate shall be issued strictly as per the following guidelines.

a) Before issuing the Workshop Experience Certificate, the details of the person for whom the certificate is required, period of training and the reason for the issue shall be sent to the Director, Motor Vehicles Maintenance Department for obtaining the permission.

b)The Workshop Experience Certificate shall be issued only after due verification of the above details by the Motor Vehicles Maintenance Department and with the permission of the Motor vehicles Maintenance Department.

c)In the Workshop Experience Certificate issued as above, the details of the approval accorded by the Director, Motor Vehicles Maintenance Department shall be recorded.

2.Hence, it is submitted that the Workshop Experience Certificate which were issued after 30.12.2016 in respect of the candidates, who had applied for the post of Motor Vehicles Inspector Grade-II in the Tamil Nadu Public Service Commission may be verified by the Motor Vehicles Maintenance Department.

3.It is submitted that those who have obtained Workshop Experience Certificate prior to 30.12.2016 and already accepted by the Tamil Nadu Public Service Commission in the earlier notifications may be considered.

4.It is submitted that , those who have obtained Workshop Experience Certificate prior to

30.12.2016, but had not applied in response to the earlier notifications may be verified by the Motor Vehicles Maintenance Department.

5. It is submitted that the all such cases where Workshop Experience Certificate has been issued by the Transport Corporation Undertakings, the Hon'ble High Court of Madras may take a decision.

6. It is submitted that the verification of Driving Experience may be entrusted to the Transport Commissionerate.

7. It is submitted that there are two criteria available to ascertain the Driving Experience of the candidates viz.

- a) Attendance
- b) Pay Acquittance

8. It is submitted that, in actual practice, most of the Vehicles Owners/Fleet Operators are not maintaining the attendance and pay acquittance. If the above criteria are insisted, there may be chances of producing fabricated attendance and pay acquittance.

9.Hence, it submitted that, the responsibility of the genuiness of the certificate of Driving Experience may be fixed upon the Vehicle Owner/Fleet Operator by obtaining a Judicial Undertaking/Declaration from the Owner/Fleet Operator as suggested in the Annexure to this Memo.

Dated at Chennai this the 21st day of January 2020.

ANNEXURE

DECLARATION BY THE EMPLOYER FOR DRIVING

EXPERIENCE CERTIFICATE

Thiru Regional Transport Officer,
.....visited our concern on and made an enquiry about Thiru
..... Resident of regrading his Driving Experience
in out Concern. Thiru..... had worked as Heavy Transport Vehicles
Driver in our Concern for the period from to
Satisfactorily.

WEB COPY

I, hereby declare that the above information furnished are true and correct.

Signature : _____

Name : _____

Address of the Firm: _____

Mobile Number : _____

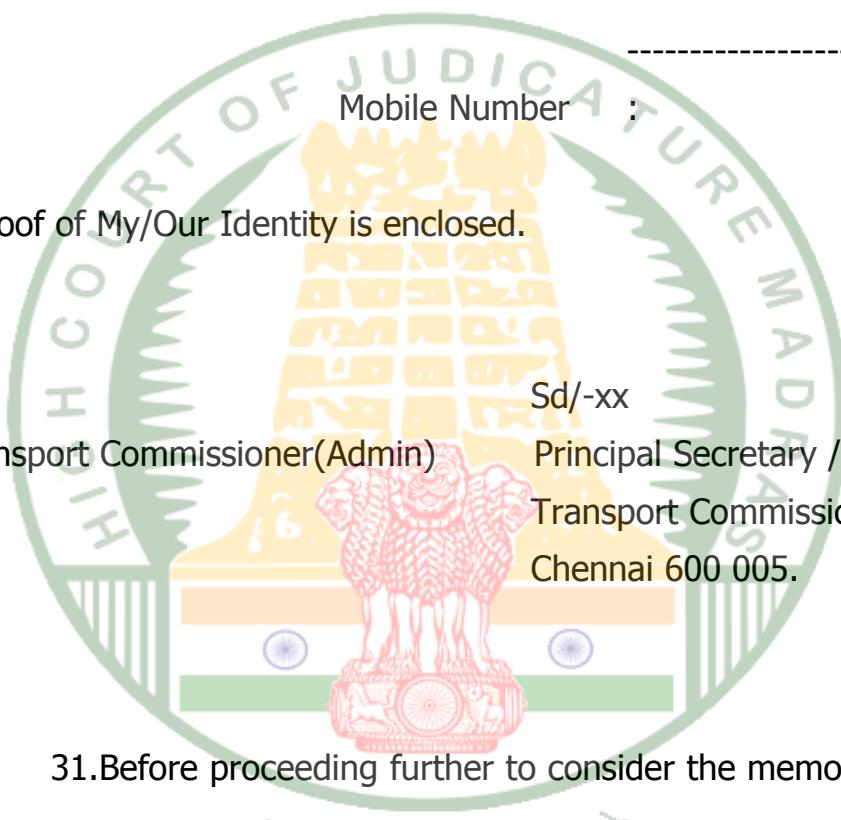
Note: Proof of My/Our Identity is enclosed.

Sd/-xx

Joint Transport Commissioner(Admin)
Chennai.

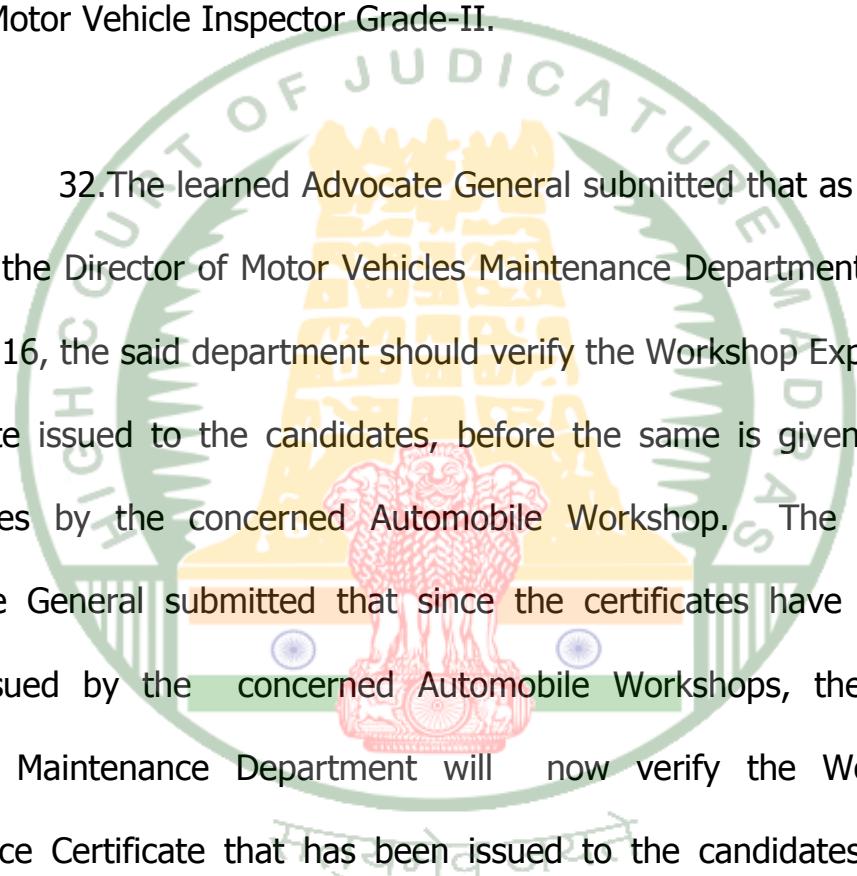
Sd/-xx

Principal Secretary /
Transport Commissioner
Chennai 600 005.



31. Before proceeding further to consider the memo filed by the Transport Commissioner and to issue directions in these batch of writ petitions, this Court wishes to place on record its appreciation for the effort taken by the learned Advocate General to persuade the authorities and make them understand the importance of following a transparent procedure for all the candidates and ensure purity in public employment. This Court also appreciates the authorities who readily accepted the advise given by the learned Advocate General and agreed

to evolve a process which is going to be applied for all the 1328 candidates. This decision taken by the respondents has resulted in coming to a fair conclusion in these writ petitions and in ensuring that there is no further delay caused in the selection of candidates to the post of Motor Vehicle Inspector Grade-II.



32.The learned Advocate General submitted that as per the letter of the Director of Motor Vehicles Maintenance Department, dated 30.12.2016, the said department should verify the Workshop Experience Certificate issued to the candidates, before the same is given to the candidates by the concerned Automobile Workshop. The learned Advocate General submitted that since the certificates have already been issued by the concerned Automobile Workshops, the Motor Vehicles Maintenance Department will now verify the Workshop Experience Certificate that has been issued to the candidates and a report will be submitted to the TNPSC.

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33.The learned Advocate General further submitted that insofar as the driving experience certificate is concerned, a self-declaration is going to be obtained from the concerned Workshop which gave the driving experience certificate to the candidates and the

annexure to the memo filed before this Court gives the format of the self-declaration.

34.The learned Advocate General further submitted that the Notification provides for a minimum of one year experience for the candidates who should have worked with vehicles fitted with petrol engines and diesel engines on a full time basis in an Automobile Workshop which undertakes repairs of Light Motor Vehicles, Heavy Goods Vehicles and Heavy Passenger Motor Vehicles. It was further submitted that an Automobile Workshop also covers the workshop owned by the State Transport Corporations. The State Transport Corporations have phased out petrol engine vehicles from the year 2003 onwards and there are no petrol engine vehicles available from the year 2014 onwards. The learned Advocate General therefore, submitted that the Transport Corporations cannot issue certificates regarding experience in petrol engine vehicles after 2014 and this may cause difficulties to the candidates for whom the workshop experience certificates have been issued by the Transport Department. The learned Advocate General therefore left it to the Court to pass appropriate orders by fixing the experience criteria accordingly, so that the candidates who got their certificates from the Transport

Corporations are not placed in a dis-advantageous position.

35.The learned counsel appearing on behalf of the petitioners, on the whole, agreed with the memo filed by the Transport Commissioner and the submissions made by the learned Advocate General. However, some suggestions were made to this Court to be taken into consideration while giving directions in these Writ Petitions.

36.It was submitted that all the particulars are now available in the TNPSC portal and the Motor Vehicles Maintenance Department can check the authenticity of the certificate issued by the approved Workshop without any requirement to collect further materials. It was further submitted that the Notification provides for a minimum of one year experience and this one year must be calculated by ensuring that each of the candidates have worked atleast for 240 days in a given year.

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37.It was further submitted that while considering the driving experience, candidates who are claiming such experience by combining their experience both as a mechanic and as a test driver, they must specifically state that they were also engaged as a test driver

while working as mechanic in the Workshop. For this purpose, the full Bench judgment of this Court in **D.Vinothkumar and A.Namivenkatesh v. The Secretary, Tamil Nadu Public Service Commission, Omandurar Arasinar Thottam, Chennai-2 and Others** reported in [2009 (3) CTC 1] is relied upon and the relevant portion in the judgment is extracted hereunder:

"10. Further, when it is proved that during the period of working in a automobile work shop undertaking repairs of light motor vehicles, heavy goods vehicles and heavy passenger motor vehicles, it is the work of a person to go for test drive after the completion of mechanical aspect of work to check-up as to whether the mechanical work is complete, there is no reason to take any separate experience in driving heavy motor vehicles for a period of not less than six months during the course of his one year period in the automobile work shop. The word "six months period" found in sub-clause (v) need not be attributed to a separate period of six months and during the period of one year working in the automobile work shop, if the person had experience in driving of such heavy transport vehicle, such experience should be taken into consideration as it would fulfil the requirement found in Clause 5(B)(v) of the Notification/Advertisement dated 18.04.2007, independently.

38.Mrs.Nalini Chidambaram, learned Senior Counsel

appearing on behalf of some of the petitioners submitted that the relief that is going to be granted in these Writ Petitions must be confined only to the writ petitioners and not for others who have remained to be fence-sitters. The learned Senior Counsel further submitted that the TNPSC must be directed to publish the results of the written examination in accordance with Clause 10 of the Notification and the process of verification to be done by the Motor Vehicles Maintenance Department must be confined only to those candidates who have qualified in the written examination.

39.Mr.V.T.Gopalan, learned Senior Counsel appearing on behalf of the TNPSC submitted that the results can be published only after the oral test and if the same is published at this stage with the marks, it will tilt the balance and there are possibilities of manipulations while assigning the marks during the oral test. The learned Senior Counsel submitted that in all cases involving oral test, the results cannot be published at the written examination stage and the final results of the candidates who are found to be fully eligible after the oral test, alone can be published. For this purpose, the learned Senior Counsel relied upon Clause 13(i) of the Notification.

40.This Court has carefully considered the suggestions

made by the respective Counsel appearing on behalf of the petitioners.

41. This Court finds the procedure suggested in the memo filed by the Transport Commissioner to be reasonable. Once this procedure is applied equally to all the candidates, there can be no grievance. It will also ensure that the Workshop Experience Certificate issued by the authorised Workshops is properly verified/scrutinized by the Motor Vehicles Maintenance Department. Incidentally, it is this department which certifies/authorises the Workshops and in the fitness of things, the same department will now scrutinize the Workshop Experience Certificate that was given to the candidates.

42. In the considered view of this Court, the directions that are going to be issued in these Writ Petitions should be made applicable to all the candidates and it should not be confined only to the writ petitioners. It is now a well settled law that where a relief of this nature is granted, it must be made applicable to all the similarly placed persons apart from the writ petitioners. The selection is yet to be finalised and therefore, the relief can be made applicable to all the candidates.

43. The next question that arises for consideration is as to

whether the verification should be confined only to those persons who have qualified in the written examination or it should be undertaken for all the 1328 candidates who participated in the written examination. The respondents have taken a very specific stand that they will scrutinize all the 1328 candidates since the records are already available and they have the infrastructure/man power to complete this process within a short period of time. In this case, separate marks are assigned for the oral test and therefore it will not be proper to reveal the marks obtained by the candidates in the written examination at this stage. As rightly contended by the learned Senior Counsel appearing on behalf of the TNPSC, this will tilt the balance in the final selection and will certainly lead to arbitrary allotment of marks during the oral test. This Court does not want to go into the interpretation of Clause 10 and Clause 13(i) of the Notification at this stage. In the considered view of this Court, having regard to the peculiar facts of the present case, it will be just and proper to verify/scrutinize the certificates of all the 1328 candidates who participated in the written examination.

44. All the Writ Petitions are disposed of with the following directions:

- (a) The Motor Vehicles Maintenance Department shall

take up the process of verification of the Workshop Experience Certificates issued by the approved Automobile Workshop as defined in the explanation to Clause 6(B) of the Notification.

(b) The Workshop Experience Certificates shall be scrutinized by the Motor Vehicles Maintenance Department for all the 1328 candidates, who participated in the written examination.

(c) The verification/scrutiny shall be done with regard to all the Workshop Experience Certificates issued to the candidates, irrespective of the year in which it was issued.

(d) The Automobile Workshops are recognised/approved/certified only by the Motor Vehicles Maintenance Department and therefore, the department is expected to know the criteria/basis on which such recognition/approval/certification was granted and the records that are supposed to be maintained by these Workshops. The same shall be kept in mind while scrutinizing/verifying the Workshop Experience Certificates issued to the candidates by the concerned Workshop. The relevant records are already available and what requires to be verified is the authenticity of the certificates issued

by the Authorised Workshops.

(e) It is open to the Motor Vehicles Maintenance Department to get clarifications from the candidates, if so required during the process of verification/scrutiny.

(f) The bench mark that is evolved by the Motor Vehicles Maintenance Department shall be equally applied across the board for all the candidates without any discrimination and this will ensure transparency in the entire process.

(g) The Motor Vehicles Maintenance Department at the time of considering the experience of the candidates who have worked on vehicles fitted with petrol engines and diesel engines, need not disqualify a candidate for not possessing the experience with petrol engines. The State Transport Corporation has already dispensed with petrol engine run vehicles from the year 2014 onwards and therefore, it cannot issue Work Experience Certificate for candidates who worked in the State Transport Corporation for experience in vehicles fitted with petrol engines. Therefore, the experience with petrol engines and/or

diesel engines can be taken into consideration provided the candidate has worked for a period of not less than one year.

(h) While considering the minimum period of one year, the Motor Vehicles Maintenance Department shall ensure that each candidate had worked atleast for 240 days days in a given year. The Motor Vehicles Maintenance Department shall also ensure that candidates who had worked as a mechanic and are claiming consideration of their combined experience as a mechanic and as a driver, have done test driving in the course of their work. The full Bench of this Court in the judgment referred supra has clarified this position.

(i) Insofar as the driving experience certificate is concerned, a self-declaration shall be obtained from the person in-charge of the Automobile Workshop in the format that has been appended to the memo filed by the Transport Commissioner.

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(j) The Motor Vehicles Maintenance Department shall complete this process within a period of four weeks from the date of receipt of copy of this order and submit its report to the TNPSC.

(k) The TNPSC on receipt of the report from the Motor Vehicles Maintenance Department, shall independently apply its mind as a constitutional functionary under Article 320 of the Constitution of India and proceed to call all the eligible candidates for the oral test. It is also open to the TNPSC to seek clarification from the candidates in the course of certificate verification; and

(l) The TNPSC shall complete the process of final selection within a period of four weeks after it receives a report from the Motor Vehicles Maintenance Department and shall publish the fresh list of selected candidates on its website. By virtue of this order, the earlier selection list consisting of 32 candidates gets automatically effaced.

There shall be no order as to costs. Consequently, all the connected miscellaneous petitions are closed.

WEB COPY 24.01.2020

Index: Yes

Internet: Yes

KP

To

- 1.The Secretary,
Tamil Nadu Public Service commission,
Park Town Road, V.O.C.Nagar,
Park Town, Chennai-600 003.
- 2.The Transport Commissioner,
Transport Department,
Ezhilagam, Chepauk,
Chennai-600 005.
- 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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N. ANAND VENKATESH,, J.

KP

**Common Order made in
W.P.Nos.**

22535, 22542, 17784, 18476, 18669, 18671, 21727, 21694, 21806, 21807, 21949, 22010, 22040, 22047, 22153, 21986, 22264, 22267, 22286, 22313, 22337, 22342, 22357, 22364, 22368, 22373, 22377, 22380, 22372, 22393, 22405, 22411, 22416, 22421, 22424, 22429, 22410, 22431, 22435, 22455, 22462, 22468, 22472, 22475, 22479, 22487, 22490, 22496, 22505, 22511, 22485, 22488, 22479, 22557, 22563, 22569, 22575, 22579, 22586, 22589, 22596, 22602, 22592, 22603, 22613, 22605, 22619, 22642, 22648, 22651, 22649, 22663, 22653, 22655, 22672, 22674, 22677, 22680, 22684, 22681, 22690, 22693, 22699, 22702, 22705, 22698, 22704, 22706, 22707, 22709, 22710, 22713, 22715, 22724, 22725, 22726, 22727, 22729, 22728, 22730, 22749, 22757, 22759, 22758, 22776, 22783, 22789, 22793, 22784, 22797, 22804, 22807, 22808, 22811, 22812, 22814, 22815, 22831, 22823, 22828, 22834, 22836, 22841, 22842, 22847, 22844, 22867, 22868, 22875, 22878, 22890, 22930, 22934, 22941, 22980, 22988, 22998, 22995, 23000, 23002, 23003, 23004, 23013, 23029, 23058, 23062, 23060, 23066, 23071, 23075, 23095, 23012, 23119, 23157, 23178, 23213, 23215, 23220, 23225, 23246, 23265, 23288, 23308, 23313, 23320, 23322, 23327, 23316, 23356, 23364, 23367, 23369, 23399, 23418, 23422, 23420, 23421, 23439, 23469, 23477, 23481, 23484, 23478, 23479, 23518, 23522, 22537, 23602, 23654, 23656, 23663, 23696, 23699, 23701, 23719, 23668, 23671, 23672, 23675, 23680, 23670, 23677, 23683, 23687, 23689, 23747, 23792, 23819, 23822, 23833, 23844, 23892, 23914, 23915, 23919, 23921, 23927, 23930, 23932, 23944, 23947, 23962, 24037, 24046, 24056, 24059, 24067, 24110, 24118, 24119, 24135, 24212, 24331, 24391, 24401, 24403, 24460, 24504, 24512, 25000, 25104, 25169, 26444, 29396, 35380, 35846 of 2019, 21919, 21981, 22839, 22845, 22849, 22853, 22855, 22859, 22862, 22861, 22879, 22880, 22881, 23480, 27373, 13896, 29905, 30967, 32569, 32670, 32673, 34944 of 2019 & Cont.P.No.1662/2019

and WMP Nos.

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Delivered on: 24.01.2020