

ITEM NO.39

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.4357/2020

(Arising out of impugned final judgment and order dated 26-09-2019 in WA No. 3285/2019 passed by the High Court of Judicature at Madras)

THE SECRETARY TAMIL NADU PUBLIC SERVICE COMMISSION Petitioner(s)

VERSUS

A. SUTHANTHIRAMOORTHY

Respondent(s)

(IA No. 97869/2022 - EXEMPTION FROM FILING O.T., IA No. 17495/2020 - EXEMPTION FROM FILING O.T. & IA No. 97866/2022 - INTERVENTION APPLICATION)

WITH

SLP(C) No. 6037-6038/2020 (XII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 29726/2020)

SLP(C) No. 4888/2020 (XII)

SLP(C) No. 13497/2021 (XII)

(FOR ADMISSION and I.R. and IA No.108772/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 13569/2021 (XII)

(FOR ADMISSION and I.R. and IA No.109649/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 13561/2021 (XII)

(IA No.109484/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 13640/2021 (XII)

(FOR ADMISSION and I.R. and IA No.110471/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT.)

SLP(C) No. 13506/2021 (XII)

(FOR ADMISSION and I.R. and IA No.108974/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 23964/2022 (XII)

SLP(C) No. 544/2023 (XII)

(IA No.196881/2022-CONDONATION OF DELAY IN FILING and IA No.196883/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s)

Mr. P. Wilson, Sr. Adv.
Mr. Sabarish Subramanian, AOR
Mr. Apoorv Malhotra, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. P Shankar, Adv.
Mr. Naman Dwivedi, Adv.
Ms. Shivani Jena, Adv.

Dr. Joseph Aristotle S., AOR

For Respondent(s)

Dr. Nirmal Chopra, AOR

Mr. V. Ramasubramanian, Adv.
Mr. S. Aravindh, Adv.
Mr. Imran, Adv.
Mr. Naeem Ilyas, Adv.
Mr. A. Lakshminarayanan, AOR
Mr. Indrajeet Singh Maini, Adv.
Mr. SCV Vimal Pani, Adv.

Mr. Ronak Karanpuria, AOR
Mr. P Venketsan, Adv.
Mr. Rohit Gautum, Adv.
For M/s. Vimalpani & Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

1. During the course of hearing, it has transpired that there are 18 Writ Petitions pending before the Single Benches of the High Court of Judicature at Madras whereas 49 matters are pending at the stage of Writ Appeal before the Division Benches of the said High Court.

2. Similarly, 12 Special Leave Petitions are pending before this Court. All these cases involve the question whether the High Court, in exercise of its Writ Jurisdiction, could grant an opportunity to the respondents - candidates, who have applied for various posts advertised by the Tamil Nadu Public Service Commission, to submit the requisite documents to prove their eligibility even after the

cut-off date(s). The High Court has granted one time concession on the premise that the meritorious candidates are not over-looked.

3. It appears to us that the Tamil Nadu Public Service Commission can take a conscious decision to grant one time concession to the candidates who are in lis before one or the other Judicial Forum, subject to the condition that no such relaxation shall be admissible to the candidates who have not approached the Court so far, and whose claim, at this belated stage, would be hit by the principle of delay and laches.

4. Learned Senior counsel for the petitioner – Tamil Nadu Public Service Commission seeks and is granted four weeks' time to take appropriate instructions.

5. It goes without saying that in case such relaxation is granted, the same shall not be taken as a precedent for future cases.

6. List the matters after four weeks.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)