

ITEM NO.40

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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. 17495/2020 - EXEMPTION FROM FILING O.T., IA No. 97869/2022 - EXEMPTION FROM FILING O.T., IA No. 26040/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 184845/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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. 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. 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. 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. 13561/2021 (XII)

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

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

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

(IA No.196883/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 01-05-2023 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. D. Kumanan, AOR  
Mrs. Deepa. S, Adv.  
Mr. Sheikh F Kalia, Adv.  
Mr. Apoorv Malhotra, Adv.  
Ms. Sapna Pillai, Adv.  
Ms. Aishwarya Mishra, Adv.

Dr. Joseph Aristotle S., AOR  
Mr. Sabarish Subramanian, AOR

For Respondent(s)

Mr. Ajmal Khan, Sr. Adv.  
Mr. Aravindh S, Adv.  
Mr. SCV Vimal Pani, Adv.  
Mr. Imran, Adv.  
Mr. Abbas B, Adv.  
Mr. A. Lakshminarayanan, AOR

Mr. Ronak Karanpuria, AOR  
Mr. Venketash, Adv.  
Mr. Anmol Amit Srivastav, Adv.  
Mr. Parteek Kumar, Adv.

Dr. Nirmal Chopra, AOR

Mr. S. C. V. Vimal Pani, Adv.  
Mr. C. Solomon, Adv.  
Mr. Kaushal Kishore, Adv.  
Mr. Amit Pratap Shaunak, Adv.  
For M/S. Vimalpani & Co., AOR

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

1. Heard learned Senior counsel on behalf of the petitioner – Tamil Nadu Public Service Commission, as well as learned counsels for the private respondents.
2. These matters earlier came up for hearing before us on 07-02-2023 when the following order was passed:-

"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."

3. Pursuant thereto, the petitioner - Tamil Nadu Public Service Commission, has taken a decision resolving to select and recommend the names of 62 candidates mentioned in Table I of the additional affidavit dated 28-04-2023 appended with Interlocutory Application

No.89727/2023, for appointment to the posts mentioned in the Table itself. As regard to 10 candidates in the Table II, it is stated that even after treating them eligible, they do not come into the zone of consideration. As regard to 6 candidates mentioned in Table III, it is stated that they will be adjusted against future vacancies as no posts were reserved for them during the pendency of the case(s). The appointment of these 6 candidates will be subject to other eligibility conditions.

4. The Special Leave Petitions are, accordingly, disposed of in terms of the additional affidavit dated 29-04-2023 filed by the petitioner – Tamil Nadu Public Service Commission, along with Tables I, II, and III. The Public Service Commission shall be at liberty to act upon as per its decision referred to above, as early as possible and preferably within two months from the date of receipt of a copy of this order.

5. It is made clear that this order shall not give rise to any cause of action in favour of such candidates who have not approached the Courts so far.

6. All pending applications also stand disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

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