

(2005) 01 MAD CK 0056
In the Madras High Court
Case No : Writ Petition No. 18595 of 2003

B. Veerakumar

APPELLANT

Vs

The Secretary Tamil Nadu Public Service Commission and The
Under Secretary Tamil Nadu Public Service Commission

RESPONDENT

Date of Decision : 03-01-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 1 LW 433

Hon'ble Judges : Markandey Katju, C.J.;D. Murugesan, J

Bench : Division Bench

Advocate : M. Devaraj, for the Appellant; Paul Vasanthakumar, for the Respondent

Judgement

Markandey Katju, C.J.—The petitioner is blind. By means of this writ petition, the petitioner prayed for a writ of certiorari to quash the

impugned order dated 30.6.2003 and has also prayed for a mandamus directing the respondents to allow the petitioner to participate in the

selection for the post of Civil Judge held by the Tamil Nadu Public Service Commission.

2. Heard the learned counsel for the parties. By the order dated 30.6.2003, the petitioner's application for appearing in the written test for

recruitment to the post of Civil Judge (Junior Division/Judicial Magistrate, First Class) in Tamil Nadu State Judicial Service Examination - 2003

was rejected on the ground that he does not possess four years experience as a lawyer on 1.7.2003 inasmuch as he is neither an Advocate nor

coming under the service category enumerated in the relevant High Court order.

3. Admittedly, the petitioner was enrolled as an Advocate in the Bar Council of

Tamil Nadu on 31.7.1991. He practised as an Advocate at

Cuddalore in Tamil Nadu for ten years i.e. till November 2001 and thereafter he applied for and was selected and appointed as Law Officer in

Allahabad Bank on 19.11.2001.

4. Learned counsel for the Tamil Nadu Public Service Commission has submitted that the petitioner was ineligible because under the relevant rules

he must on the date of the notification be practising as an Advocate or Pleader and must have so practised for a period of not less than four years

as on such date. Though the petitioner had practised for ten years from 1991 to 2001, but on the date of the notification i.e. 4.5.2003, he was not

practising as an Advocate.

5. Learned counsel for the petitioner has invited our attention to the decision of the Supreme Court in Sushma Suri Vs. Govt. of National Capital

Territory of Delhi and Another, in which the Supreme Court has observed that a Law Officer of the Central or State Government, public

corporation or of a body corporate, who is enrolled as an Advocate, has to be deemed to have been practising as a lawyer.

Allahabad Bank is no doubt a public corporation or a body corporate and the petitioner being a Law Officer, has to be deemed to be a practising

lawyer. Hence we quash the impugned order dated 30.6.2003 and we direct that the petitioner be considered in accordance with the relevant rules

including the rules for physically handicapped persons, if applicable, as expeditiously as possible.

6. We are informed that the petitioner in pursuance of an interim order appeared for the written examination and also the interview. We direct that

the result be declared forthwith and if the petitioner is found suitable for appointment, he should be appointed if necessary by creating necessary

post. The writ petition is disposed off. No costs.