

TAMIL NADU PUBLIC SERVICE COMMISSION RULES OF PROCEDURE

1. These rules shall be called the Rules of Procedure of the Tamil Nadu Public Service Commission Rules of Procedure and shall supersede the earlier Tamil Nadu Public Service Commission Rules of Procedure and shall come into force with effect from 14-5-1996.

2. In these Rules unless the context otherwise requires:

i. 'Commission' means the Tamil Nadu Public Service Commission which consists of Members and Chairman as specified in Regulation 3 of the Tamil Nadu Public Service Commission Regulations.

ii. 'Member' means any Member of the Tamil Nadu Public Service Commission, which term shall, however, include Chairman, unless the context otherwise requires in these Rules.

iii. 'Government' means the Government of Tamil Nadu.

iv. 'Constitution' means the Constitution of India.

3. The Commission shall make direct recruitment to posts within its purview by holding written examination or written-cum-oral test as the case may be.

4. Where any competitive examination is to be conducted by the Commission for the purpose of direct recruitment to a State or Subordinate Service, the Commission shall-

(i) announce through advertisement in anyone or two of the dailies in Tamil and anyone of the dailies in English with wide circulation and also through Tamil Nadu Public Service Commission Bulletin, besides other Mass Media depending on the nature and number of posts as the Commission may decide on each occasion-

(a) the qualification(s) required of the candidates for the examination

- (b) the conditions of admission to the examination
- (c) the standard of examination
- (d) the number of vacancies to be filled under the General Turns and other reservation groups, where applicable. and
- (e) the subjects, scheme of the examination (Preliminary and or Main written examination); or supply the copies of the syllabus prescribed therefor where such syllabus could not be announced in the dailies:

Provided that where the exact number of vacancies to be filled is not ascertainable, the Commission shall announce the approximate number of vacancies to be filled.

5. The Commission shall make the following arrangements in respect of selections by direct recruitment:-

- (a) secure suitable accommodation in the educational institutions through the Revenue/Education Departments;
- (b) draft personnel from the departments of the Government or the private Educational Institutions for appointment as Chief Invigilator and Invigilator and issue orders to them;
- (c) depute officers for inspection duty at the centres;
- (d) arrange in order of merit the candidates selected by it with reference to the rule of reservation where applicable on the results of the examinations; and
- (e) forward a list of such candidates so arranged to the appointing authority and watch the issuance or appointment orders and the reports on the date of joining duty of the candidates:

Provided that where any interview is conducted as part of the Competitive examination for direct recruitment, the outstanding and meritorious record of candidates in Sports, Athletics, NCC, NSS, ACC, Scouts and Guides and Literary activities of the candidates besides his general physique, aptitude,

flair for expression, grasp of General Knowledge. etc., shall be taken into account by the Commission. If the candidate is in the Service of the State or Central Government or in the Government Aided Institutions or the Quasi Government Organisations his personal file or record sheet or any other record showing his work and conduct may also be taken into account by the Commission:

Provided that where any interview is conducted as part of the Competitive examination for direct recruitment, the Commission may invite the Head of Department concerned to be present himself at the interview or to nominate a person who is next to him in rank to be present at the interview. The Head of Department or his representative participating at the Oral Test, may take part in the deliberations of the Commission, but shall not be entitled to award grades independently to the candidates at the interview:

Provided also that the Commission may invite any renowned Educationist or Scholar or any other person with expert knowledge in the subject concerned to be on its Interview Board in regard to direct recruitment to posts and such invitee shall not be entitled to award grades independently to the Candidates at the interview:

Provided also that where direct recruitment is made to Class I posts in the Tamil Nadu State Legislative Assembly Secretariat Service and the Tamil Nadu State Legislative Council Secretariat Service. the Commission shall invite the Speaker of the Tamil Nadu Legislative Assembly or the Chairman of the Tamil Nadu Legislative Council, as the case may be, to be present or request each of them to appoint a representative to be present at the interview and the Speaker or the Chairman or the representative so present may take part in the deliberations of the Commission but shall not be entitled to award marks:

Provided also that where any interview is conducted as part of the Competitive examination for the direct recruitment, the services rendered in the defence forces shall be taken into account as an additional qualification.

6. Subject to the Provisions of the Tamil Nadu Public Service Commission Regulations, 1954, where recruitment to a State Service is to be made by

transfer from a subordinate Service from which such recruitment is normally made or where appointment is to be made by promotion from one category to another category or from one class to another class in a State Service for which the Commission is required to be consulted and for which the Departmental Promotion Committee procedure as laid down by the orders of the Government from time to time is applicable. the Chairman shall himself preside over the Departmental Promotion Committee for a specified period or nominate a Member of the Commission to act as Chairman for each of the Departmental Promotion Committee for a specified period.

The Departmental Promotion Committee shall consider the claims of all such candidates considered eligible in its opinion for such recruitment by transfer or promotion as it considers necessary in accordance with the rules in force. The recommendation of the Departmental Promotion Committee as prepared by the convenor Member arranged in the order of merit of the candidates and approved by the Chairman and Members of the Departmental Promotion Committee shall be communicated to the Government by the Secretary to the Commission:

Provided that in any particular case or cases where the Chairman of the Departmental Promotion Committee requires that the Commission should be consulted such cases shall be referred to the Commission for its decision and that the decision by majority taken thereon by the Commission be communicated direct to the Government by the Secretary to the Commission.

7. (I) Subject LO the provisions of the Tamil Nadu Public Service Commission Regulations, 1954 where recruitment is to be made to any civil post or to any State Service otherwise than under rules 3 and 6 the Commission shall-

- (i) announce the qualifications required of candidates and the number of vacancies to be filled;

Provided that where the exact number of vacancies to be filled is not ascertainable the Commission shall announce the approximate number of vacancies to be filled;

- (ii) invite applications. consider all applications received and interview. where necessary. such candidates as it considers suitable for appointment; and
- (iii) forward to the appointing authority a list arranged in order of merit consisting of such number, as such authority may fix, of the candidates whom the Commission considers suitable for appointment.

7. (2) The Commission shall invite the Head of the Department concerned to be present or to appoint a representative to be present at the interview referred to in clause (ii) of sub-rule (1), and the Head of Department or his representative so present may take part in the deliberations of the Commission but shall not be entitled to award marks:

Provided that, for the interview of candidates for recruitment to the Class-I posts in the Tamil Nadu State Legislative Assembly Secretariat Service, the Commission shall invite the Speaker of the Tamil Nadu Legislative Assembly to be present or to appoint a representative to be present at the interview and the Speaker or the representative so present may take part in the deliberations of the Commission but shall not be entitled to award marks.

8. In the case of recruitment to technical posts for which generally there is difficulty in securing suitable candidates. the Commission shall, if so desired by the Government or by the Head of Department concerned in consultation with the Government, insert a clause in its advertisement inviting applications for appointment to such technical posts that the rules regarding qualifications would be relaxed in exceptional cases and recommend to the Government for the relaxation of the relevant rules in favour of these candidates who do not possess the prescribed qualifications but who come up for selection on the results of the prescribed main written examination or main written examination- cum-oral test as the case may be:

Provided that the question of relaxation of rule shall be considered only if no qualified candidates are available for admission to main written examination or for oral test or for final selection as the case may be.

9. Notwithstanding anything contained in rules 3, 6 and 7 the Commission may in any particular case or class of cases adopt a special procedure as more appropriate than the one prescribed in any of the said rules.

10. List of approved candidates prepared by the Commission shall be published in the Tamil Nadu Public Service Commission Bulletin in cases where the lists are drawn in advance for the purpose of filling the vacancies which are expected to arise during the year, or during any other definite period, following the preparation of the lists:

Provided that the list shall be published in the Tamil Nadu Public Service Commission Bulletin after the approval by the Government, where such approval is necessary.

11. The Commission may not determine the fitness of the candidates already included by it in an approved list prepared for the purpose of Article 234 of the Constitution of India to continue on the list, if in respect of the posts for which they have been selected, a course of training is prescribed after the selection but before actual appointment

12. When any examination is to be held to test the proficiency of classes of Government servants in the subjects prescribed for departmental examinations, the Commission shall-

- (i) advise in regard to the prescribing of-
 - (a) the conditions of admission to the examination;
 - (b) the syllabus of the examination; and
 - (c) the percentage of marks to be obtained for passing the examination;
- (ii) make all arrangements for the actual conduct of the examination; and
- (iii) Publish the results in the Tamil Nadu Public Service Commission Bulletin of the successful candidates with their Roll Numbers, names and addresses.

13. In the exercise of its functions under clause (3) of Article 320 of the Constitution of India, the Commission shall observe the rules, if any, made by the State Government in consultation with the Commission regarding the

Constitution of, or recruitment to, the State or Subordinate Service concerned.

14. Every question at a meeting of the Commission shall be determined by a majority of the votes of the Members present and voting on the question, and in the case of an equal division of votes, the Chairman shall have and exercise a second or casting vote:

Provided that if there is an equal division on a subject matter in a file, such matter shall be determined at a meeting of the Commission under this rule.

15. If the Chairman is unable to be present at a meeting of the Commission, he shall nominate anyone of the Members of the Commission to act for him and the Member so appointed shall have all the powers of the Chairman at that Meeting:

Provided that, unless the Chairman otherwise directs, no action shall be taken upon any decision arrived at in a meeting at which he was not present until he has been informed of such decision, and upon being so informed, he may direct that any such decision shall be reconsidered at a meeting at which he is present:

Provided further that where a Member of the Commission who sponsored a subject for discussion by the Commission is absent during the first sitting of the Commission when such subject was included in the agenda for discussion. The subject shall be taken up in the second sitting of the Commission and decided notwithstanding the absence of the sponsoring Member during such second sitting of the Commission. However, the sponsoring Member may record only his views on the files when it is circulated with the approved minutes.

16. The Proceedings of the Commission shall not be invalidated by reason of any vacancy in the office of the Chairman or any other Member or Members.

17. The Chairman. may convene the meetings of the Commission on his own or on the suggestion of anyone or more Members of the Commission. The quorum for holding a Meeting of the Commission shall be two thirds of

the Members including Chairman in position. The Chairman may adjourn any business at such a meeting if he is of the opinion that it cannot conveniently be transacted owing to the non-attendance of any Member.

18. The Commission may, subject to such direction as it may think fit, delegate to an individual Member/or to a Committee constituted from among its Members any of its functions under the Constitution including the constitution of Selection Boards.

19. All the decisions of the Commission taken at its meeting shall be recorded in the minutes in such manner as the Commission may direct. It shall be open to any Member of the Commission who dissents from a decision to record his dissent with the reasons therefor.

20. Whenever the Commission is required to give advice or to forward proposals to or to be consulted by, any authority, the decision of the Commission shall be communicated in a letter signed by the Secretary or the Deputy Secretary as the case may be 'and in case, where the decision of the Commission is not unanimous neither the fact of, nor the grounds for dissent shall be communicated unless the Chairman so directs.

21. The Commission may refer any matter to an individual Member or to a Committee, consisting of Members and such other persons, if any as the Commission may appoint for consideration and report to the Commission.

22. The Chairman may depute any Member to perform any particular work of the Commission and may direct that while engaged in such work, the Member need not deal with the ordinary work of the Commission and that files and cases need not be circulated to him for his opinion.

23. The Chairman. or in his absence, any other Member designated by him in his behalf. may deal with any urgent matter appearing to him to require immediate action. Such action shall be reported to the Commission as early as Possible.

24. Where a list of candidates approved for appointment to a service or post has been prepared in consultation with the Commission, the removal from such list, of the name of any candidate who has not been placed on

probation shall be made in consultation with the Commission. Where the candidates selected by the Commission fails to join duty or fails to produce the requisite documents including the certificates of physical fitness or where such candidate is found to be physically not fit on production of such certificate of physical fitness or here such candidate on production of the requisite documents is found to be not qualified for appointment to the post, the Commission shall, either suo moto or on the information of the department concerned, as the case may be, delete the name of such candidates from the approved list.

The Commission shall reserve the right to instruct the departments while forwarding the approved lists not to appoint any particular candidate, whose selection is provisional, subject to acceptance of his claims regarding his eligibility for selection.

25. Where the advice of the Commission is required to be tendered under sub-clause (c) of clause (3) of Article 320 of the Constitution of India on any disciplinary matters including appeals and memorials, the Commission shall see that all the connected records of the case are furnished for its perusal and also see that the advice tendered by the Commission forms part of the record of the case and is communicated, unless the Chief Minister directs, in the Public Interest, otherwise, to the officer or officers concerned along with the orders of the authority empowered to pass orders in the case.

26. The Commission may at any time, call for from the State Government or from any Head of a Department or any other authority subordinate to the State Government. any records. report or information which may, in its view, be necessary to enable it to discharge its functions; and such record, report or information shall be furnished to the Commission without undue delay by the State Government or Head of the Department or any other authority concerned unless the Governor of Tarnil Nadu certifies that the same (a) cannot be furnished without undue labour or (b) should be withheld in the public interest

27. The Commission shall present to the State Government by the 15th July of each year, a report of its proceedings during the preceding financial

year.

28. In any matter for which no provision is made in these rules, the Commission shall regulate its proceedings in such manner as it thinks fit.