TNPSC Appointments

Why in news?

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The Supreme Court refused to stay a Madras High Court decision to quash the appointment of 11 members of the Tamil Nadu Public Service Commission (TNPSC).

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What are the constitutional provisions?

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- **Articles 315 to 323 in Part XIV** of the Constitution of India provides for the establishment of Public Service Commission for the Union for each State.
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- State Public Service Commission (SPSC) conduct examinations for recruitment to state services and advise the governor on disciplinary matters.
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- It consists of a chairman and other members **appointed by the Governor**. They can be **removed only by President**.
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- The **qualifications are not prescribed** and the strength of SPSC and the conditions of service is left to the discretion of the Governor.
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- The only criterion is that the **half of the members** should be such persons who held the office under GOI or the state.
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- The salary and the expenses are charged on **the consolidated fund of the state**.
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What is the issue?

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- The vacancies for the posts of members of the TNPSC had arisen from 2013 when members completed their tenure and demitted office.
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- The last member demitted office on January 31, 2016 and these posts were suddenly filled by a government order, dated the same day in anticipation of the election notification for the state Assembly polls.
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- The petitioners was filed in High Court claiming that the Commission was packed with party loyalists and do have any merit.
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- The government submitted that right to make appointment to the State Public Service Commission under **Article 316** of the Constitution is left to the state government and the court ought not to interfere with it, especially as there are no charges or allegations against any member.
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- It also pointed out that SPSC members can be removed only by **Article 317**.
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- The Madras High Court quashed the appointment holding that the process was "deeply flawed" and conducted without following any transparent process and that not even police verification cold have been done in one day.
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- The bench observed the selection should be based on merits. “the persons who are Chairman or Members of the PSC have to be equally of such competence and high moral values as they are the ones who are conducting the selection process for the Administrative Service Officers."
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- No character or antecedent verification was really done and the issue which arose for consideration was whether the state could have said to have applied its mind to the relevant facts, i.e., suitability, competence and integrity of the candidate.
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- Thus the court said that where the deliberative process suffered from constitutional infirmity of being arbitrary, the appointment had to be struck down.
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What is the recent judgment?

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- While hearing the appeal the Supreme Court said the service commissions should have credibility, its members should be outstanding and should

inspire confidence for the sake of good governance.
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- Therefore it refused to stay the high court's decision of quashing the appointments.
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- The bench said that the candidature of Ramamurthy, the retired district judge, who had been 'relieved' from service when he turned 58, instead of it being extended till he turned 60 i.e who had been rendered unfit to hold any post after retirement should not be considered for reappointment.
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- The other members can be considered for reappointment by following due process.
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