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WA NO.2103 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2026

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

**W.A.NO.2103 OF 2024
AND
CMP NO.14807 OF 2024**

1.Tamil Nadu Public Service Commission
Rep. By its Secretary
TNPSC Road, Broadway,
Chennai – 600 003.

2.The Controller of Examinations
Tamil Nadu Public Service Commission
TNPSC Road, Broadway,
Chennai – 600 003.

... Appellants

Vs.

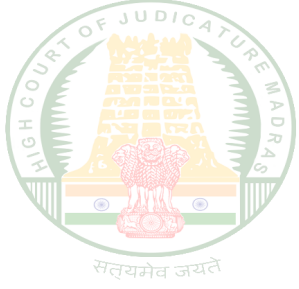
Tmt.A.Rekha

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 11.10.2023 passed in W.P.No.17853 of 2020.

For Appellants : Mr.K.Karthik Jaganath
Standing Counsel for TNPSC

For Respondent : Mr.K.V.Sanjeev Kumar



JUDGMENT

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(Judgment of the Court was made by S.M.Subramaniam, J.)

Tamil Nadu Public Service Commission is the appellant in the present intra Court appeal. The respondent filed a writ petition seeking a direction to the Controller of Examinations, Tamil Nadu Public Service Commission to permit her to upload the scanned copy of the documents in support of her claim made in the online application, for certificate verification, in pursuance to the provisional admission for the post of Assistant Tourist Officer Grade – II, included in Tamil Nadu General Subordinate Service 2018-2019 and consequently permit the respondent to participate in the oral test (interview).

2.The respondent applied for selection to the post of Assistant Tourist Officer Grade – II in pursuance to the Recruitment Notification issued by the Tamil Nadu Public Service Commission. 42 vacancies were notified. Applications were invited and submitted through online. Written examination was conducted on 29.09.2019. The respondent was successful in the written examination. On 16.10.2019, the list of provisionally admitted candidates was released by the appellants. Accordingly, the appellants issued Press Release No.38 of

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2020 dated 22.10.2020 providing information that the provisionally selected candidates had to upload their documents for certificate verification from 26.10.2020 to 05.11.2020. Admittedly, the respondent could not upload the documents for certificate verification. The reason stated by the respondent is that, during October and November 2020, the COVID-19 pandemic was at its peak, and therefore, she went to her native place at Tirunelveli and hence, she was unable to upload the documents. Her attempt to upload the documents failed and she contacted the officials of the Tamil Nadu Public Service Commission. However, no assistance was provided. Based on the said reason, the Writ Court allowed the claim of the respondent and issued appropriate directions. Thus, the present intra Court appeal.

3.The learned counsel for the appellants would mainly contend that instructions were issued to the provisionally selected candidates to upload their documents for certificate verification during the period from 26.10.2020 to 05.11.2020. Ten days time was granted for uploading the documents. Nearly 144 candidates uploaded their documents and on completion of the certificate verification process and the conduct of the oral test, the selected candidates were appointed. In the event of admitting the candidates, based on such individual personal

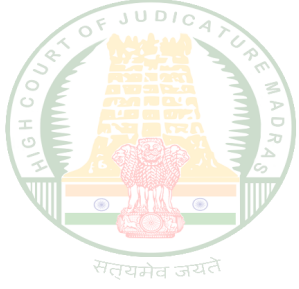


reasons, it will result in opening a Pandora's box, as several other candidates who failed to upload their documents would also seek the very same relief.

4.The issue in respect of the very same recruitment process has been decided by a Division Bench of this Court in ***The Secretary, Tamil Nadu Public Service Commission Vs. The Additional Chief Secretary to Government, Tourism, Culture and Religious Endowment Department, in W.A.No.567 of 2021 dated 24.04.2024.***

The facts in the said case are in connection with the very same Recruitment Notification dated 22.07.2019. In respect of the Division Bench judgment, the candidates were suffering from COVID-19 and even in those circumstances, the Division Bench held that the instructions given by the Tamil Nadu Public Service Commission is to be followed scrupulously. Such personal reasons cannot be a reason to allow the candidates to upload their documents, after the expiry of the date notified by the Tamil Nadu Public Service Commission. Paragraph Nos.12 and 13 of the said judgment reads as under;

“12.In the case on hand, the Writ Court has granted the relief to the second respondent / writ



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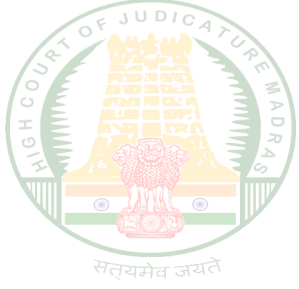
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petitioner on a sympathetic consideration on humanitarian ground. In spite of finding that the second respondent/writ petitioner has failed to comply with the instructions of notice of certificate verification dated 22.10.2020, the Writ Court granted the relief, ignoring the mandatory nature of the instructions. It cannot be said that such exercise of discretion should be affirmed by us, especially when such exercise is in the teeth of the instructions, which are binding on the candidates taking the examination.

13. In the light of the specific instructions issued by the appellate Commission dated 22.10.2020 and the decisions cited supra, the claim of the petitioner is legally unsustainable and the order of the Writ Court warrants interference.”

5. Pertinently, the Hon'ble Supreme Court in the case of ***State of Tamil Nadu Vs. G.Hemalathaa***, reported in ***(2020) 19 SCC 430*** reiterated the principles as follows:

“8. We have given our anxious consideration to the submissions made by the learned Senior Counsel for the Respondent. The Instructions issued by the Commission are mandatory, having the force



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of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the Instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the Instructions issued by the Commission.

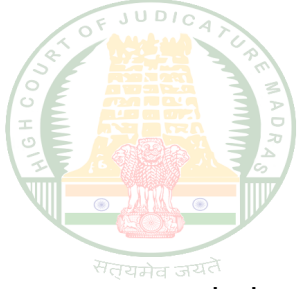
9. . . .

10. In spite of the finding that there was no adherence to the Instructions, the High Court granted the relief, ignoring the mandatory nature of the Instructions. It cannot be said that such exercise of discretion should be affirmed by us, especially when such direction is in the teeth of the Instructions which are binding on the candidates taking the examinations.

11. . . .

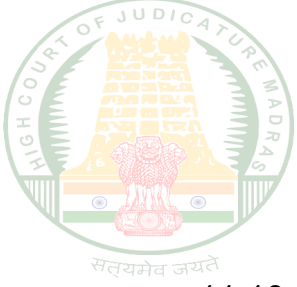
12. . . .

13. After giving a thoughtful consideration, we are afraid that we cannot approve the judgment of the High Court as any order in favour of the candidate who has violated the mandatory Instructions would be laying down bad law. The other submission made by Ms. Mohana that an order can be passed by us under Article 142 of the Constitution which shall not be treated as a precedent also does not appeal to us."



6.The learned counsel for the respondent would submit that during COVID – 19 pandemic, several candidates suffered and the respondent went to her native place at Tirunelveli. She made several attempts to upload the documents, but she failed in her attempts. She contacted the officials of the Tamil Nadu Public Service Commission but could not be able to obtain any assistance. Taking into consideration the extraordinary circumstances, the Writ Court granted the relief sought by the respondent.

7.This Court is of the considered view that when 144 provisionally selected candidates were able to upload their documents during the COVID-19 period, non-uploading of documents by a few candidates, on certain personal reasons, if considered, would derail the process of selection and this exactly is the reason why the Courts have repeatedly held that the instructions issued by the recruiting agency for selection must be scrupulously followed. Any misplaced sympathy in matters of selection would cause prejudice the interests of other selected candidates. The Hon'ble Supreme Court also held that the High Court, while exercising its power of judicial review, cannot grant any relaxation in respect of the rules or the instructions issued by the recruiting agency, governing the selection process.



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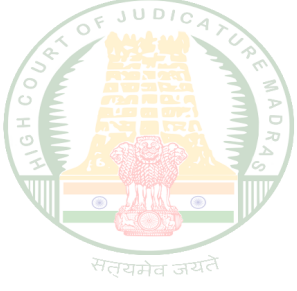
8.For all these reasons, the writ order impugned dated 11.10.2023 passed in W.P.No.17853 of 2020 is set aside and the writ appeal stands allowed. However, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S., J.]

[N.S., J.]

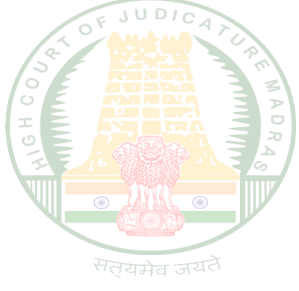
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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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