

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

W.P.No.6207 of 2015 and
M.P.Nos.1 and 2 of 2015

P.Sathya

...Petitioner

Vs.

1.Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Part Town,
Chennai - 600 003.
Represented by its Secretary

2.The Deputy Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,V.O.C.Nagar, Part Town,
Chennai - 600 003.

3.The District Collector,
Erode.

...Respondents

(R3 suo motu impleaded as per order dated 05.03.2015
by KKSJ in M.P.No.2/2015 in W.P.No.6207/2015)

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus, directing the respondents to
consider the application of the petitioner dated 23.07.2012 for the
post of Motor Vehicle Inspector (Grade II) on merits without
rejecting the same for failure to produce the Destitute Widow
Certificate.

For Petitioner : Mr.Satish Parasaran

For Respondents : Mr.M.Devendran for R1 and R2
Mr.M.S.Ramesh,
Additional Govt.Pleader for R3
(Impleaded Party)

O R D E R

The petitioner submitted application for appointment to the
post of Motor Vehicle Inspector (Grade-II). In case, the applicant
claims appointment as a Destitute Women, there is no need to make
the deposit. The petitioner in the place ear-marked for indicating

the status, declared that she is a destitute widow. In view of her position as a destitute widow, she has not paid the required amount of Rs.100/-. The application was entertained by the Tamil Nadu Public Service Commission. The petitioner participated in the written test and on the basis of the marks secured by her, she was directed to appear for Certificate verification. When she appeared for certificate verification, the Commission pointed out that she has not produced the destitute widow certificate and as such she should have paid the sum of Rs.100/-. Since the petitioner failed to pay the sum of Rs.100/-, her candidature was not considered by the Commission. She was not called for interview. The petitioner, therefore filed this writ petition for issuing a direction to the Tamilnadu Public Service Commission (hereinafter referred to as TNPSC) to consider her application and appoint her to the post of Motor Vehicle Inspector Grade-II.

2. I have passed an interim order after hearing both sides on 05.03.2015. The material portion of the order would read thus:-

"2. The format of the on line application contain a clause as to whether, "Are you a destitute widow"? The application does not contain a column directing the candidate to produce destitute widow Certificate to prove that she is exempted from payment of prescribed fee. The requirement for production of certificate is only when the candidate claim for appointment under the category of destitute widow.

3. Even though the petitioner is a destitute widow, she failed to produce the certificate. The petitioner is prepared to produce the certificate before the Tamil Nadu Public Service Commission. It is not the case of the respondent that petitioner is not a destitute widow.

4. It is stated across the bar that there are no sufficient candidates under women category.

5. Under such circumstances, I am of the view that the petitioner should be permitted to take part in the interview, which is now going on.

6. The petitioner is permitted to appear for the interview, which is currently going on. Mrs.M.Latha, Under Secretary, Tamil Nadu Public Service Commission is present in Court today. She is directed to inform the Commission about the order passed by this Court and the permission granted to the petitioner, to appear for the interview.

7. The learned Standing Counsel for the Tamil Nadu Public Service Commission submitted that the petitioner should produce the Destitute Widow

Certificate within a period of one week. The District Collector, Erode is suo motu impleaded as third respondent. It is open to the petitioner to submit an application for issuance of a destitute widow certificate. Such application should be disposed of within a period of one week thereafter.

8. It is open to the Commission to publish the list of candidates selected, after completing the interview. However, appointment order should not be issued until further orders.

9. After passing the orders, learned Standing counsel for the Commission, on instructions, submitted that technical members left the place and as such the Commission should be permitted to interview the petitioner tomorrow morning.

10. It is made clear, in case, there is any practical difficulty today, to conduct interview, it is open to the Commission to conduct interview tomorrow morning, i.e., on Friday, 06.03.2015. In such an event, written instructions should be given to the petitioner to appear tomorrow. "

3. When the writ petition was taken up for consideration today, the learned counsel for the petitioner has produced a copy of the Destitute Widow Certificate, dated 12.03.2015 issued by the Sub-Collector, Gobichettipalayam indicating that the petitioner is a destitute widow.

4. The learned Standing Counsel for TNPSC on instructions submitted that the petitioner was interviewed by the Commission pursuant to the interim order granted by this Court on 05.03.2015. According to the learned Standing Counsel, in view of the certificate produced by the petitioner, dated 12.03.2015, she will be considered as a destitute widow and her application would be received without payment of mandatory deposit. The said submission is recorded.

5. The Tamilnadu Public Service Commission is directed to process the application submitted by the petitioner and pass appropriate orders relating to her appointment taking into account her participation in the interview held on 05.03.2015.

6. The Writ petition is disposed of with the above direction.
No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Secretary

Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar, Part Town,
Chennai - 600 003.

2.The Deputy Secretary,

Tamil Nadu Public Service Commission,
Frazer Bridge Road,V.O.C.Nagar, Part Town,
Chennai - 600 003.

3.The District Collector,
Erode.

1 cc to Mr.M.Devendran ,Advocate, SR.No.14692/15

br(co)
pmk.25.3.2015

W.P.No.6207 of 2015

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