



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.05.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No.12599 of 2015

and

M.P. (MD) No.1 of 2015

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Kanahavalli

... Petitioner

vs.

1.The Chairman

Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar, Park Town
Chennai

2.The Secretary,

Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar, Park Town
Chennai

... Respondents

PRAYER: Writ Petition is filed Under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to issue the rank details in the Petitioner's Registration No.260106086 for the post of typist, within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Md.Ibrahim Ali

For Respondents : Mr.K.K.Senthil
Standing Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents to issue rank details in respect of the petitioner's registration No.260106086 for the post of Typist within a stipulated time.

2. The claim of the petitioner is that she is a Diploma holder and she has completed Senior Grade Typewriting Course in both English and Tamil, for which the Department of Technical Services, Government of Madras issued a certificate to her during 1994. With these qualifications, the petitioner had applied to the respondent - Service Commission for the posts included in Group IV Services,

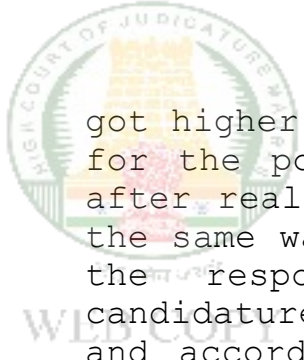


for which exam was scheduled to be held on 21.12.2014. As per the procedure, the application for the said posts to be submitted through online. Accordingly, the petitioner submitted her application through online on 03.11.2014 and her application number is 418644785. The petitioner applied for the post of Junior Assistant / Bill Collector / Field Surveyor / Draughtsman / Typist, for which she is eligible as per her educational qualification.

3. The petitioner was issued a hall ticket by the respondent - Service Commission to write examination and her Registration Number is 260106086. She had also written examination on 21.12.2014. The result of the examination was published on 23.05.2015 in the Service Commission website portal and when the petitioner perused her result in the net, she found that she secured 216 marks out of 300 marks and the petitioner's rank to the posts of Junior Assistant etc., was 15829, but no rank was given to the post of Typist. The petitioner made some requests to the respondent - Service Commission on 25.05.2015 and an E-mail to that effect was also sent by the petitioner on 25.05.2015.

4. In the meanwhile, on enquiry, the petitioner came to understand that her batch-mate, who got 211.5 marks, was given rank No.846 to the post of Typist and based on which, he was called for counselling started from 13.07.2015. Thereafter, on 14.07.2015, the petitioner received a letter, dated 08.07.2015, from the respondent - Service Commission, wherein it was stated that the candidates who have completed Senior Grade Typewriting Course in both English and Tamil or the candidates, who have completed Senior Grade either in Tamil or English and Junior Grade in the other language are eligible for the post of Typist. On receipt of the said letter, on 14.07.2015, the petitioner had sent a reply to the respondent - Service Commission stating that she is having certificate for Senior Grade Typewriting Course in both English and Tamil. In spite of the said reply having been given by the petitioner, her request for giving ranking to her for the post of Typist was not considered by the respondent - Service Commission, which resulted in not able to participate in the counselling, even though she is qualified to hold the post of Typist. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

5. Mr.MD.Ibrahim Ali, learned counsel appearing for the petitioner would submit that though the petitioner is qualified with Senior Grade Typewriting Course in both English and Tamil, at the time of making application through online, she failed to note that she is having such qualification. Since the respondent - Service Commission acted upon only based on the said online application, where those particulars inadvertently have not been furnished, her application was not considered for the post of Typist and that is the reason why even though the petitioner has



got higher marks i.e., 216 out of 300, no ranking was given to her for the post of Typist. Though the petitioner had subsequently after realising her mistake, sent a representation on 25.05.2015, the same was not considered. If at all the same was considered by the respondent - Service Commission, then certainly her candidature could have been taken into account by giving a ranking and accordingly she could have been permitted to participate in the counselling for certificate verification. Therefore, the petitioner is having every right to claim ranking and consequential participation in the counselling for the post of Typist.

6. Per contra, Mr.K.K.Senthil, learned standing counsel appearing for the respondent - Service Commission, relying upon the averments made in the counter affidavit, has submitted that the petitioner admittedly has not made the application through online stating that she is qualified with Senior Grade Typewriting Course in both English and Tamil. Had the said fact been given in the application submitted by the petitioner through online, certainly her application could have been considered and at the time of giving rank for the post of Typist, her candidature could have been taken into account. As per the instructions to the candidates issued through the brochure, the respondent - Service Commission has clearly mentioned that when applicants make applications through online, they should give all details about their educational qualification and other aspects as has been sought for in the form of application itself. It is also specifically mentioned that once the applicant failed to provide any information sought for in the application, their application would be liable to be rejected in toto and no further communication could be entertained by the Service Commission.

7. In this regard, the learned Standing Counsel appearing for the respondent - Service Commission relied upon Paragraph Nos.11 and 12 of the counter affidavit and the same are extracted hereunder:

"11. It is submitted that Tmt.Kanahavalli in her online application meant for Group IV examination has given her Technical Qualification as Junior Grade both in Tamil and English Typewriting in the field exclusively provides for Typewriting / Shorthand Qualification, ie., the field exclusively prescribed for the post of Typewriting. Based on her claim made in the online application, the selection for the post of Typist was made. As she has not claimed Senior Grade both in Tamil and English, she was not considered for the post of Typist. Hence, the question of assigning rank number



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12. Further, the petitioner has mentioned, "Type-Both Higher, HDCA in the field, "others" pertaining to Educational Qualification. However, the fields pertaining to Technical Qualification alone is taken into consideration while making selection to the posts for which Technical Qualification is prescribed. Further petitioner having agreed in her application itself that she will abide by the notification, now cannot claim contrary to her undertaking and particulars given in the online application for the post applied and that her prayer of the petitioner goes contrary to the settled legal principle which was upheld by High Court in Vennila's case that the terms and conditions of Instructions, etc. to Candidates and Information Brochure have the force of law and have to be strictly complied with and no modification / relaxation can be made by the Court in exercise of powers under Article 226 of the Constitution of India and application filed in violation of the Instructions, etc., to Candidates and the terms of the Information Brochure is liable to be rejected. As already stated supra as the petitioner has not claimed Senior Grade both in Tamil and English, she was not considered for the post of Typist. Hence, the question of assigning rank number does not arise at this juncture and in such circumstances the petitioner is not entitled to any relief in the above Writ Petition and as well as in the miscellaneous petition.

8. Therefore, the learned Standing Counsel appearing for the respondent - Service Commission would submit that only based on the particulars submitted by the petitioner, through her online application, the same was processed and accordingly, ranking was given to her for other posts including Junior Assistant etc., whereas for the post of Typist, since the specific qualification is Senior Grade Typewriting Course in both English and Tamil, which the petitioner has not claimed that she is possessing the same, there is every justification on the part of the respondent - Service Commission, not to include the name of petitioner in the ranking list for the post of Typist. Therefore, the prayer sought for in this writ petition that too after completion of the entire process long back for selection to the posts of Group IV Services is totally untenable and therefore, the writ petition is liable to be dismissed.

9. This Court has considered the rival submissions made by the learned counsel on either side.



10. The issue involved in this writ petition is in narrow compass and the same has already been decided by the Honourable Division Bench of this Court few years back in the case of *Dr.M.Venilla vs. Tamil Nadu Public Service Commission*, reported in 2006 W.L.R.574, wherein the issue as to whether the non-signing of application by the Doctors, who had made application to the post of Civil Assistant Surgeon can be the reason for rejecting their candidature, came up for consideration. The Division Bench of this Court, after having analysed the issue in depth, has ultimately held that the instructions to candidates and brochure issued therein by the Service Commission is a law to be enforced and therefore, it is binding both the applicants as well as the Selection Agency. Once, if they have not signed their applications submitted before the Service Commission, then their very applications itself are liable to be rejected.

11. In the present case, since the very basic qualification, which is required to be considered for the post of Typist, though it was possessed by the petitioner had not been claimed by her through the online application, the respondent - Service Commission cannot be blamed for not included her name in the ranking list for the post of Typist. Therefore, applying the ratio of the Honourable Division Bench (cited supra), since in this case also it is the failure on the part of the petitioner to complete her application with necessary important particulars for the purpose of processing it by the respondent - Service Commission, she cannot claim ranking to the post of Typist and therefore, her application was liable to be rejected for the said post, which accordingly has been done by the respondent - Service Commission. Therefore, this Court feels that the action on the part of the respondent - Service Commission in this regard requires no interference from this Court.

12. For all these reasons, the writ petition fails and it is liable to be dismissed, therefore the same is dismissed. The interim order, dated 22.07.2015, granted by this Court in M.P. (MD).No.1 of 2015 is hereby vacated and the same is also dismissed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar



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1.The Chairman

Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar, Park Town
Chennai

2.The Secretary,

Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar, Park Town
Chennai

+One cc to Mr.K.K.Senthil, Advocate, SR.No.56508

+One cc to Mr.M.Mohammed Ibrahim Ali, Advocate, SR.No.56507

skm/cmr/krk

RL/5C/6P/JC/SAR1/20/10/2017

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