



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

**W.P(MD)No.21331 of 2017
and W.M.P. (MD) Nos.17590 and 17591 of 2017**

S.Sabarimalai Madha

... Petitioner

vs.

Teachers Recruitment Board,
Rep. by its Secretary,
College Road,
Chennai - 6.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the Respondent to rectify the error in the Petitioner's online application for the Direct Recruitment of Lecturers in Government Polytechnic Colleges by way of changing the Petitioner's Community Status as MBC/DNC instead of BC and consider the Petitioner in the MBC/DNC Category at the time of Certificate Verification to be held on 24.11.2017 and appoint the Petitioner in the post of Lecturer in Mathematics at Government Polytechnic College if found eligible within the time period stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Aswin Rajasimman
for M/s.T.Lajapathi Roy

For Respondent : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

The petitioner applied for the post of Lecturer in Government Polytechnic Colleges pursuant to the notification dated 28.07.2017 issued by the respondent. According to the petitioner, while answering the queries in the online application, she had mentioned her community status as MBC/DNC, but the same had been mistakenly reflected as BC. It is further claimed that her community status as belonging to MBC/DNC is fortified by the community certificate dated 30.06.2006 issued to her by the Zonal Deputy Thasildar, Sivakasi as belonging to Hindu Maravar Community, which is recognized as de-notified community as per Government Order (Ms.) No.28, Backward Classes and Most Backward Classes Welfare dated 19th July 1994 vide Serial No.220. On realizing the aforesaid mistake, the petitioner claims to have made a detailed representation dated 14.11.2017 to the Respondent which has been despatched by registered post on



15.11.2017, requesting to rectify the aforesaid error in her online application by changing her community status as MBC/DNC and treat her as belonging to that category at the time of certificate verification that was to be held on 24.11.2017. Since the petitioner has not received any response for the same the present writ petition has been filed for a direction to the respondent to rectify the error in the online application of the petitioner by changing her community status as MBC/DNC instead of BC and for consequential directions.

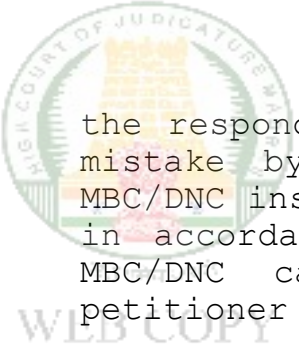
2.The respondent has entered appearance and filed counter stating that while applying online, the petitioner had made entry in the 'Community Status' as Most Backward Class at 3.37 p.m. on 05.07.2017 and she used edit option and altered the entry in community status as 'Backward Class' at 4.09 p.m. on 05.07.2017 and hence, the community status of the petitioner has been entered as 'Backward Class' and therefore, she has to be considered only belonging to 'Backward Class' and she would be called for certificate verification only in that category.

3.Heard Mr.T.Aswin Rajasimman, the learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, the learned Special Government Pleader appearing for the respondent.

4.Having regard to the aforesaid rival submissions made, it is evident that the community status of the petitioner is MBC/DNC which is reflected in her community certificate dated 30.06.2006, issued by the Zonal Deputy Tahzildar, Sivakasi. Though it is contended by the respondent that it was the petitioner who solely responsible for wrongly entering the community status as BC instead of MBC/DNC, it cannot be disputed that the petitioner does not belong to BC as she does not have any certificate for the same.

5.This leads to next question as to whether the petitioner could be permitted to correct her community status irrespective of the fact as to whether the mistake in entering the same as BC instead of MBC/DNC was at her instance or otherwise. This issue is no longer res integra and has been answered in the positive by the decision of the Division Bench of this Court in *National Institute of Fashion Technology, represented by its Director General and another -vs- V.S.Jayya Vishrant* [(2017) 7 MLJ 714 and the decision of the learned Single Judge of this Court in *W.P.(MD)Nos.31388, 31741 and 33390 of 2016* (Judgment dated 29.09.2016) [*Vishnu Bargavi, S -vs- The Director, NEET Exam, Shiksha Kendra and another* and followed in *W.P.(MD) No.17625 of 2017* dated 29.11.2017 [*Ponnumani, M -vs- The Tamil Nadu Uniform Service Recruitment Board and another*].

6.Having regard to the aforesaid legal position and coupled with the fact that the petitioner has already made a representation dated 14.11.2017 to correct the mistake before certificate verification that was to be held on 24.11.2017, it is incumbent upon



the respondent to act upon the same and pass orders rectifying the mistake by entering the community status of the petitioner as MBC/DNC instead of BC and consider her for appointment on merits and in accordance with law treating her as a candidate belonging to MBC/DNC category and communicate the decision taken to the petitioner on or before 31.01.2018.

7.The Writ Petition is accordingly disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

To

Teachers Recruitment Board,
Rep. by its Secretary,
College Road,
Chennai - 6.

+One cc to Mr.T.Lajapathi Roy, Advocate, SR.No.92876

sj
RL/3C/3P/KK/SAR1/9/1/2018

order in
W.P(MD)No.21331 of 2017 and
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