

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

Coram

The Hon'ble Mr. Justice T.RAJA

W.P.No.2031 of 2018

and

W.M.P.Nos.2541 and 2542 of 2018

T.Amuthini

..

Petitioner

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 3.

..

Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the Notification dated 04.01.2018 issued by the respondent, which was published in the website by rejecting the petitioner's Registration No.014306273 dated 24.05.2015 as Not satisfied the eligibility condition as per the norms stipulated in the Notification and quash the same, direct the respondent to include the petitioner's Registration No.014306273 dated 24.05.2015 in the selection list for the interview going to be conducted for the posts included in Combined Civil Services Examination II (Interview Posts) (Group II Services), 2014-2015 and 2015-2016 (Code No.004).

For Petitioner .. Mr.UM.Ravichandran

For Respondent .. Mr.M.Loganathan,
Standing Counsel

ORDER

This writ petition has been filed by one T.Amuthini, who was able to succeed both in the preliminary examination and the written examination but not permitted to take part in the interview for the reason that she has not correctly filled in her application.

2.Learned counsel appearing for the petitioner would submit that instead of mentioning her date of birth as 06.02.1993, she inadvertently mentioned as 06.12.1993. In another column whether departmental disciplinary action (initiated/pending/punishment awarded), the petitioner has wrongly mentioned as No/No/Yes instead of No/No/No. Learned counsel further submits that the petitioner is working as an Assistant in the Tamil Nadu Forest Department in the office of the Principal Chief Conservator of Forests, Chennai and till date, no departmental proceedings has been initiated nor the petitioner is facing any currency of punishment. The No Objection Certificate issued by the Head of the Department also clearly shows that the petitioner is not facing any departmental proceeding nor currency of punishment. While so, the petitioner has although correctly mentioned No and No, instead of again mentioning No, she inadvertently mentioned Yes in the third column. This is the mistake committed inadvertently, which is condonable in nature. Learned counsel appearing for the petitioner would submit that while considering the similar issue in Arkshit Kapoor Vs. Union of India and Others (W.P.(C) No.3721 of 2017 dated 31.07.2017), taking note of the fact that the petitioner therein has wrongly mentioned his date of birth as 07.09.1998 instead of 17.09.1998, Delhi High Court held that such an inadvertent mistake can be condoned and accordingly, directed the authorities to appoint him. In the present case also, the petitioner has committed mistakes inadvertently, which are not intended to get any gain or advantage. Moreover, the petitioner has passed the preliminary examination and also written examination held by the respondent, proving her mettle and suitable for the post included in the Combined Civil Services Examination II (Interview Posts) (Group II Services). Therefore, a direction be issued to the respondent to consider the case of the petitioner.

3.Per contra, Mr.M.Loganathan, learned counsel appearing for the respondent would submit that in para 12(g) of the Tamil Nadu Public Service Commission's Notification, it has been clearly mentioned that "if any of their claim is found to be incorrect or false it will lead to rejection/debarment". In the present case, the petitioner who has appeared for the post included in the Combined Civil Services Examination II (Interview Posts) (Group II Services) has not even filled up her application correctly. Therefore, she is not suitable for the post. Secondly, when the instruction of the Tamil Nadu Public Service Commission is very clear that if any of the claim is found to be incorrect or false, it will lead to rejection/debarment, the rejection made by the respondent cannot be found fault with.

4.The petitioner has applied for the post included in the Combined Civil Services Examination II (Interview Posts) (Group II Services). The respondent conducted the preliminary examination on 26.07.2015 and the petitioner was declared as passed. Thereupon, she also appeared for the main examination held on 21.08.2016 and the results were published on 27.09.2017. Subsequently, the petitioner and other candidates, who were successful in the main examination, were called for certificate verification by the respondent on 04.10.2017. The petitioner also appeared before the respondent for certificate verification on 23.10.2017. Thereafter, the list of selected candidates was published through website, wherein, the petitioner's Application No.014306273 was rejected by the respondent as "not satisfied the eligibility condition as per the norms stipulated in the Notification". Later on, the petitioner has learnt that her application was rejected on the flimsy reason that she has inadvertently mentioned her date of birth as 06.12.1993 instead of 06.02.1993 and she has also mentioned No/No/Yes in respect of the column departmental disciplinary action (initiated/pending/punishment awarded). The No Objection Certificate issued by the Head of the Department of Tamil Nadu Forest Department viz., Chief Conservator of Forests dated 16.10.2017, found at Page No.12 of the typed set of the papers reads as under:

"(d) I have no objection to the candidate's application being considered for the posts included in Combined Civil Services Examination II (Interview Posts) (Group II Services) 2014-2015 and 2015-2016.

(a)Certified that Selvi.T.Amuthini, Assistant has no punishment to her credit.

(b)It is also certified that no charge or criminal case is pending against her."

5.From the above, it is clear that the petitioner is not facing disciplinary proceeding nor currency of punishment. Therefore, the petitioner has not misrepresented. Secondly, the petitioner has inadvertently mentioned her date of birth as 06.12.1993 instead of 06.02.1993. The Delhi High Court, in the unreported decision (cited supra), dealt with the similar issue and condoned the lapse, taking note of the fact that the candidate has passed the examination and directed the respondent therein to consider the candidate. In the present case also, the petitioner has mentioned her date of birth as 06.12.1993 instead of 06.02.1993. Therefore, this Court, considering this as inadvertent mistake not intended for gaining any benefit or advantage, hereby directs the respondent to consider the candidature of the petitioner. The respondent is also directed to permit the petitioner to take part in the interview.

6.With the above observation and direction, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

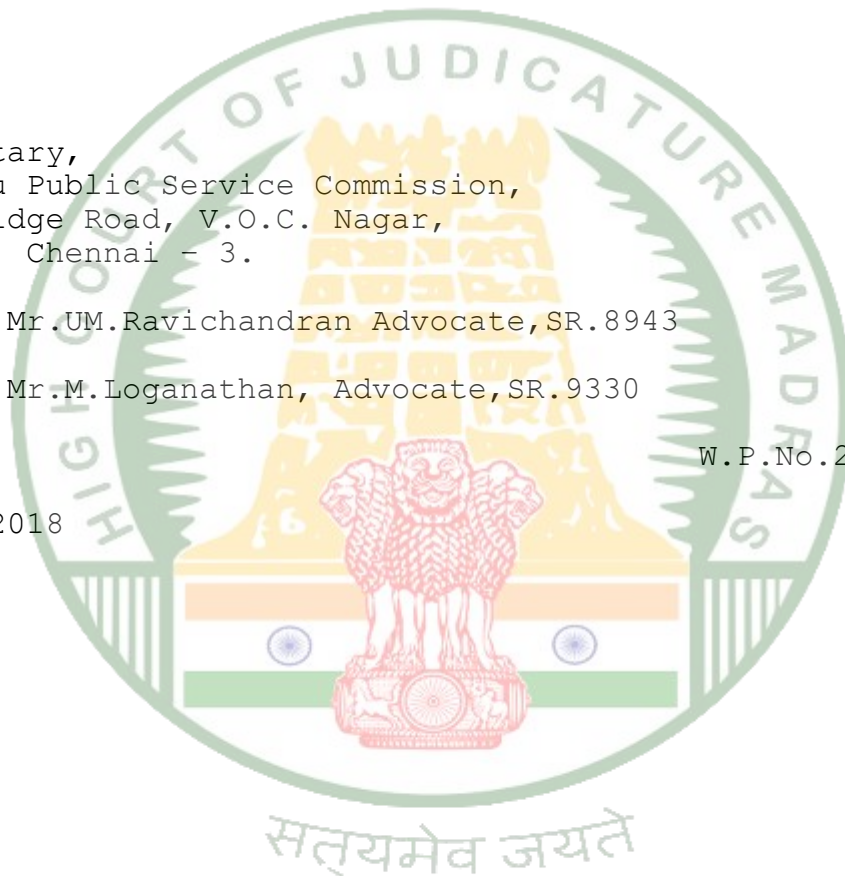
The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C. Nagar,
Park Town, Chennai - 3.

+ 1 cc to Mr.UM.Ravichandran Advocate,SR.8943

+ 1 cc to Mr.M.Loganathan, Advocate,SR.9330

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