

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-02-2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.3294 of 2018

And

W.M.P.Nos.4041 and 4042 of 2018

D.Shruthi

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Petitioner

-vs-

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

..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the Notification dated 4.1.2018 issued by the respondent, which was published in the website by rejecting the petitioner's Registration No.250158093, dated 24.5.2015, 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.250158093, dated 24.5.2015 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 is directed against the Notification dated 4.1.2018 issued by the Tamil Nadu Public Service Commission/respondent herein, in the website. Since the petitioner's Registration No.250158093 dated 24.5.2015, has been rejected as not satisfied the eligibility condition as per the norms stipulated in the Notification and to quash the same with a direction to the respondent to include the petitioner's name

in the selection list for the interview for the posts included in Combined Civil Services Examination-II (Interview Posts) (Group-II Services) for the years 2014-2015 and 2015-2016 (Code No.004).

2. The learned counsel appearing for the petitioner submitted that the petitioner is working as a Junior Assistant in the State Subordinate Service. While-so, the respondent issued Notification No.07/2015 dated 30.4.2015, calling for the application from the eligible candidates for direct recruitment to the posts mentioned in the Combined Civil Services Examination-II (Interview Posts) (Group-II Services) on different category of 18 posts in different department, the petitioner has applied for the same.

3. On 24.5.2015, the petitioner submitted her application vide Registration No.250158093 with the respondent through online. While submitting her application through online, inadvertently she has committed one typographical error, namely, in respect of 'date of birth in personal details', she has mentioned her date of birth as '15.6.1994' instead of '15.6.1993'. Immediately after coming to know the said mistake, while she appeared before the respondent for certificate verification, she gave a requisition letter on 18.8.2016, requesting the respondent to consider her request to rectify the said mistake committed by her in the online application form, as the same had occurred by oversight. Subsequently, the respondent conducted the preliminary examination on 26.7.2015 and thereafter on 20.5.2016, the result was published in 1:10 ratio and the petitioner also appeared in the main examination, results were also declared on 27.9.2017 and she was also got selected.

4. Thereafter, a notice was issued by the respondent on 2.11.2017, the petitioner and other candidates, who are all successful candidates in the main examination were called for certificate verification. When the petitioner approached the respondent for certificate verification, it is found that one mistake had occurred in her application and this has also been explained to the respondent. The respondent on 4.1.2018 published the results of the selected candidates through website, rejecting the case of the petitioner as not satisfied the eligibility condition as per the norms stipulated in the Notification. The petitioner also contacted the respondent and gave one another request letter on 17.1.2018 with a request to consider the inadvertent mistake of mentioning her date of birth as '15.6.1994' instead of '15.6.1993'.

5. Overlooking the same, the respondent disqualified the petitioner as though she has committed a deliberate mistake with an intention to gain something. It is also submitted that in similar circumstances, the Division Bench of the Delhi High

Court in Arkshit Kapoor vs. Union of India and Others [WP(C) No.3721 of 2017 dated 31.7.2017] while dealing with the similar mistake, namely, not correctly mentioning the date of birth, which was subsequently brought to the notice of the respondent in that case. The Delhi High Court held that such an inadvertent mistake can be condoned and accordingly allowed that writ petition. Following the decision of the Delhi High Court (cited supra), this Court disposed of the similar case in W.P.No.2031 of 2018 dated 6.2.2018. Therefore, the same ratio may be extended to the petitioner in the present case also.

6. Mr.M.Loganathan, learned Standing Counsel, appearing for the respondent, submitted that since in the earlier writ petition, namely, WP No.2031 of 2018 dated 6.2.2018 (cited supra), the Tamil Nadu Public Service Commission/respondent herein was also a party, they are bound by the orders passed by this Court. Since this Court has already taken a view that inadvertently mentioning the date of birth and subsequently bringing the same inadvertent mistake to the respondent/Tamil Nadu Public Service Commission, clearly a self-explanatory one and that would amount to inadvertent mistake only.

7. In the present case also, when the petitioner after coming to know that her date of birth as '15.6.1993', which has been inadvertently mentioned by her as '15.6.1994' in her online application, gave a requisition letter to the respondent on 18.8.2016 with a request to consider her request for rectification of the said mistake committed by her, which clearly shows that only after realising the mistake, the petitioner, even before writing the main examination, has given her requisition letter to the respondent.

8. Therefore, the earlier order passed by this Court in W.P.No.2031 of 2018 dated 6.2.2018 will squarely apply to the case of the petitioner in the present writ petition also. In view of the same, the writ petition stands allowed. The respondent is directed to permit the petitioner participate in the oral interview, if she is otherwise eligible. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

svn

To

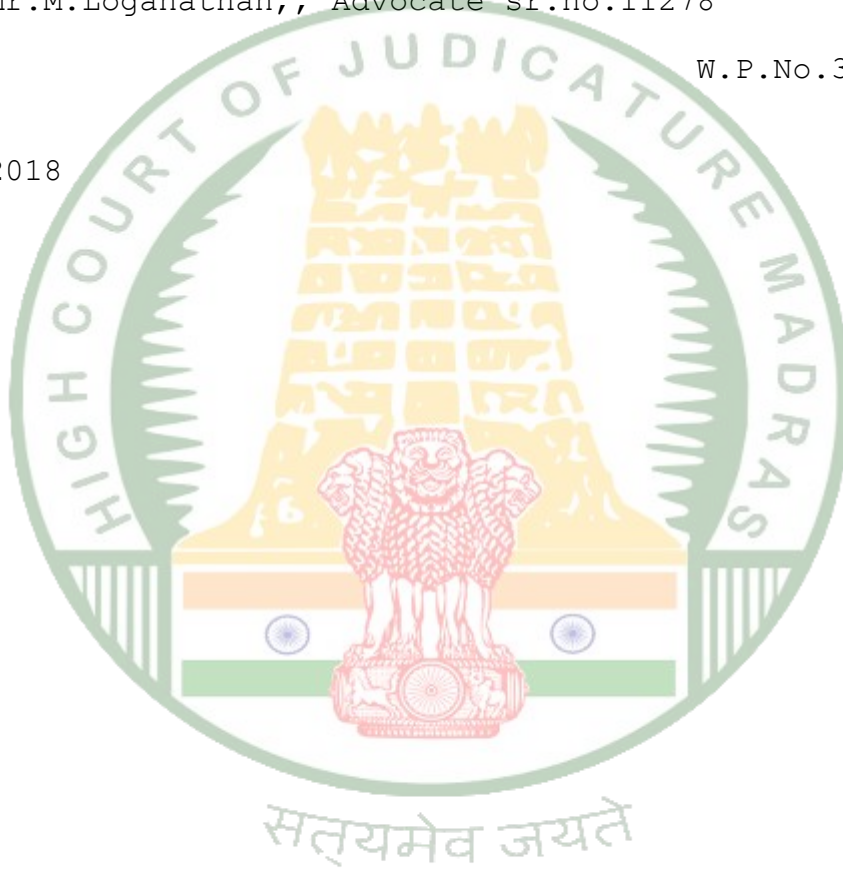
The Secretary,
Tamil Nadu Public Service Commission,
Represented by its Secretary,
Frazer Bridge Road,
V.O.C. Nagar,
Park Town,
Chennai-600 003.

+lcc to Mr.UM.Ravichandran, Advocate sr.no.11296

+lcc to Mr.M.Loganathan,, Advocate sr.no.11278

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