

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.3766 of 2018

M.Vidhya

.. Petitioner

Vs

The Secretary,
Tamil Nadu Public Service Commission,
Rep. By its Secretary,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 3.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to permit the petitioner to appear for interview and her Registration No.040127280, 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

O R D E R

The petitioner has filed this writ petition seeking a direction to respondent TNPSC to permit her to participate in the interview to be held for the posts included in Combined Civil Services Examination-II (interview posts) (Group-II Services).

2. Heard the learned counsel for the petitioner and Mr.M.Loganathan, learned standing counsel, who accepts notice for the respondent TNPSC.

3. The petitioner has submitted her application bearing Registration No.040127280 through online, however, while applying for the posts included in Group-II posts, she has inadvertently typed her Date of Birth as 17.11.1986, instead of 17.06.1986. After realizing the said mistake, she has also submitted her application dated 07.02.2018 requesting the respondent to permit her to rectify the said mistake committed

in the online application. Lateron, the respondent has conducted the preliminary examination and thereafter, the result was also published on 27.09.2017 in 01:10 ratio. As she was successful in the written examination, she was called for to participate in the oral test to be conducted on 07.02.2018 at 12.30 p.m. Accordingly, when she was about to attend the oral test, she was informed by the respondent office stating that her date of birth mentioned in the online application differs from the original certificate. Subsequently, although she has explained before the authorities that it is only a typographical error and requested to condone the said mistake, the same was not considered by the respondent TNPSC. Therefore, it is submitted that merely because of typographical error committed by the petitioner while submitting her application through online, the career of the petitioner should not be spoiled, therefore, a direction may be given to the respondent TNPSC to permit the petitioner to participate in the interview.

4. In a similar circumstances, this Court, while dealing with the issue of mistake committed in the date of birth while applying through online, directed the TNPSC to permit the petitioner therein to participate in the interview (Reference can be had from D.Shruthi v. the Secretary, TNPSC, Chennai, W.P.No.3294 of 2018, dated 14.02.2018). For better appreciation, relevant portion of the said order is extracted below:-

"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."

In the case on hand, as the petitioner was successful in the preliminary examination conducted by the TNPSC, she was directed to participate in the oral test and thereafter, when she was about to attend the interview, she was prevented on the ground that she has committed a mistake while entering the date of birth in the online application. Immediately thereafter, she has also mentioned before the authorities that the said mistake committed by her is neither willful nor wanton as she has inadvertently typed the same in the online application. Thus, from the aforesaid facts of the case, it is clear that she has not committed the said mistake intentionally to suppress her original date of birth nor misrepresented before the TNPSC.

5. In such view of the petitioner, the respondent TNPSC is directed to permit the petitioner to take part in the interview, if she is otherwise eligible. With this direction, the writ petition is disposed of. No Costs. WMP.No.4593 of 2018 is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

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

+ 1 cc to Mr.UM.Ravichandran Advocate,SR.12559

+ 1 cc to Mr.M.Loganathan Advocate,SR.12602

सत्यमेव जयते

W.P.No.3766 of 2018

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