

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 27.11.2018

CORAM
THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NOS. 21775 & 23363 OF 2018
AND
W.M.P. NOS. 25545, 25546, 27263 TO 27265 OF 2018

D.Ashok Kumar .. Petitioner in WP 21775/2018
J.Prema .. Petitioner in WP 23363/2018

- Vs -

The Secretary
Tamil Nadu Public Service Commission
rep. By its Secretary
Frazer Bridge Road, V.O.C. Nagar
Park Town, Chennai 600 003. .. Respondent in both Wps

W.P. No.21775 of 2018 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the Notification dated 14.08.2018 issued by the respondent which was published in website by rejecting petitioners Registration No.160603187 as not satisfied the eligibility condition as per the norms stipulated in the Notification and quash the same and direct the respondent to include the petitioners Registration No.160603187 dated 04.08.2017 in the original verification/Counselling Notification dated 14.08.2018 scheduled on 27.08.2018 for the posts included in Combined Civil Services Examination (non-Interview Posts) (Group II-A Services) 2017-2018, Code No.004.

W.P. No.23363 of 2018 filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the Notification dated 14.08.2018 issued by the respondent which was published in website by rejecting petitioners Registration No.160603224 as not satisfied the eligibility condition as per the norms stipulated in the Notification and quash the same, direct the respondent to include petitioners Registration No.160603224 dated 04.08.2017 in the original verification/Counselling Notification dated 14.08.2018 scheduled from 27.08.2018 to till 12.09.2018 for the posts included in Combined Civil Services Examination (non-Interview Posts) (Group II-A Services) 2017-2018, Code No.006.

For Petitioners: Mr. Vimal B.Crimson in both WPs

For Respondent : Mr. M.Loganathan,Sr.C in WP 23363/18
Dr. M.Devendran Sr.C in WP 21775/18

COMMON ORDER

At the time of dictating the orders, learned standing counsel appearing for the respondent insisted that the respondent should be given an opportunity to file their counter. However, considering the facts in the case on hand, filing of counter is not necessary, as the facts are very clear and apparent on the face of the record.

2. It is the case of the petitioners that while filling the on-line applications, some typographical errors have crept in which culminated in giving incorrect information, which was neither wilful nor wanton. Due to the abovesaid discrepancy, the petitioners were denied a call for counselling and after interim direction from this Court, they have been allowed to participate in the counselling.

3. It is the case of the petitioner in W.P. No.21775 of 2018 that at the time of filing up the on-line application, two mistakes have crept in, (i) with reference to the date of birth - though the actual date of birth of the petitioner is 8.10.1990, at the time of filling up the application, due to typographical error, the date of birth has been wrongly keyed in as 8.9.1990; (ii) with reference to the certificate number, though the number is 4645793, it has been wrongly typed as 4654793.

4. It is the case of the petitioner in W.P. No.23363 of 2018 that at the time of filing up the on-line application, with reference to the date of birth - though the actual date of birth of the petitioner is 06.06.1985, at the time of filling up the application, due to typographical error, the date of birth has been wrongly keyed in as 05.06.1985.

5. Insofar as the typographical error relating to wrong keying of certificate number in WP No.21775 of 2018 is concerned, even from the nature of mistake committed, one could easily come to a conclusion that the numbers 54 has been interchangeably keyed in as 45. The other error relates to wrong entry of date of birth in both the writ petitions. From the nature of mistake committed in both the petitions, whether the candidates, who are otherwise found to be fit in the oral examination as well as written examination should be disqualified is the main issue raised before this Court.

6. Learned counsel appearing for the respondent submits that a person, who is even unable to file the application correctly, may not be fit enough to hold a public post and, therefore, rejection of the applications by the respondent/Service commission is perfectly justified.

7. Needless to point out that while using the keyboard, mistakes are bound to occur as the feather touch in the computer keyboard creates an opportunity to commit simple and inadvertent mistakes.

8. There are two types of mistakes, one is wilful mistake which is committed with a view to gain undue advantage over other persons and the other is inadvertent mistake by which the person committing the mistake has not intended to gain any undue advantage over other persons. In the present cases, this Court finds that the mistakes that had crept in are inadvertent mistakes, which have not been intended to commit any mischief. The mistakes, in the present case are more in the nature of inadvertent mistakes, which ought to have been considered leniently by the respondents.

9. Learned counsel for the petitioners rely upon the decision in T.Amuthini - Vs - The Secretary, TNPSC (W.P. No.2031/2018 - dt. 06.02.2018), wherein this Court had occasion to consider a similar issue relating to mistake that had crept in the date of birth. This Court, relying upon the decision of the Delhi High Court in Arkshit Kapoor - Vs - Union of India & Ors. (W.P. © No.3721 of 2017 - dt. 31.07.2017) wherein the Delhi High Court held that such inadvertent mistakes can be condoned and, accordingly, directed the authorities to appoint the petitioner therein, passed similar order.

10. In the present petitions as well, while typographical error in the date of birth is one of the mistake in both the petitions, typographical error in keying the certificate number is another mistake, that had arisen in one of the petition. This court finds that the mistakes committed in the said on-line applications are very trivial mistakes, that happen in the course of keying in, which are required to be condoned.

11. Vide order dated 23.08.2018 and 10.09.2018, this Court had permitted the petitioners in the respective petitions to participate in the counselling, which was subject to the result of the writ petitions. Upon such participation, the petitioners have come out successful. In the above circumstances, this Court is of the considered view that the writ petitions are liable to be allowed.

12. Accordingly, both the writ petitions are disposed with a direction to the respondents that the mistakes committed by the

respective petitioners shall not be an impediment for allotment of posts and that the respondents shall allot post to the respective petitioners that is included in the combined civil services examination (Non-Interview) Posts) (Group II-A Services) 2017-2018, if otherwise found eligible. Consequently connected Miscellaneous petitions are closed. No Cost.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

GLN

To

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

In WP.23363/2018

+1cc to Mr.M.Loganathan, Advocate, S.R.No.81078
+1cc to Mr.Vimal B.Crimson, Advocate, S.R.No.80800

In WP.21775/2018

+2ccs to Mr.M.Devendran, Advocate, S.R.No.80866
+1cc to Mr.Vimal B.Crimson, Advocate, S.R.No.80799

W.P.Nos.21775 & 23363 OF 2018

rrs 07/12/2018

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