

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.32998 of 2018
and W.M.P.Nos.38256, 38258 and 38259 of 2018

K.Sangeetha

... Petitioner

versus

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

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, to call for the records of the Notification dated 26.11.2018 issued by the respondent which was published in website by rejecting petitioner's Registration No.150107208 as not satisfied the eligibility condition as per the norms stipulated in the Notification and quash the same, direct the respondent to include petitioner's Registration No.150107208 in the original verification/counselling notification dated 26.11.2018 scheduled from 03.12.2018 till 21.12.2018 for the posts of Junior Assistant/Field Surveyor/Draftsman/Village Administrative Officer included in combined Civil Services Examination-IV (Group-IV Services) 2015-2016, 2016-2017 and 2017-2018.

For Petitioner : M/s.Vimal B.Chrimson

For Respondent : Mr.M.Loganathan,
Standing Counsel for TNPSC

ORDER

The petitioner is a holder of M.Sc. degree in Mathematics with First Class from Bharathidasan University.

2. The respondent issued Notification dated 14.11.2017, calling for recruitment to the vacancy for the post of Junior Assistant/Field Surveyor/Draftsman/Village Administrative Officer, etc.

3. The petitioner submitted one time on-line application. Due to typographical error, in the column relating to date of birth, the petitioner wrongly mentioned the date of birth as 31.03.1993, instead of 21.03.1993. The mistake is a fingering mistake, happened inadvertently. This mistake came to the knowledge of the petitioner only at the time of certificate verification. The petitioner participated in the Written Examination on 11.2.2018. The petitioner obtained 246 marks and thus, stood 2437 in the overall rank and 940 in the communal rank. When the petitioner uploaded the Certificates and went personally for certificate verification, the petitioner was informed that there was error in the filling up of the application and the petitioner explained the reason for the same.

4. The respondent published the list of candidates to be called for counselling. The registration number 150107208 was rejected, which pertains to

the petitioner on the ground that there was wrong entry in the computer with regard to her date of birth. Despite representation being made, it was not considered.

5. The counselling is scheduled to take place between 03.12.2018 and 21.12.2018. As the petitioner's name is not included in the counselling, this writ of *Certiorarified Mandamus* is filed seeking to quash the order of rejection, insofar as it rejects the candidature of the petitioner and to give a direction to the respondents to permit the petitioner to participate in the counselling.

6. The learned counsel for the petitioner relied upon the earlier order passed by this Court in W.P.No.21775 and 23363 of 2018 and W.M.P.Nos.25545, 25546, 27263 to 27265 of 2018, wherein, the petitioners therein, namely, D.Ashok Kumar and J.Prema sought directions for inclusion of their names in the list of candidates provisionally selected for appointment to the post included in the Combined Civil Services Examination.

6.1. The basis for the claim was that there was a mistake in making entry regarding date of birth, while filling the application on-line. The petitioners therein had finished counselling. Only thing left out was the issuance of posting order. But, in this case, the counselling is not yet over. Therefore, there is no possibility of passing the same order, but the only possibility is considering the similar ground.

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

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

9. There are two types of mistakes, one is willful 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 this case, this Court finds that the mistake that had crept into is inadvertent one, which is not intended to commit any mischief. The mistake, in the present case, is more in the nature of inadvertent mistakes, which ought to have been considered leniently by the respondent.

10. Learned counsel for the petitioner relied upon the decision in T.Amuthini vs. The Secretary, TNPSC (W.P.No.2031/2018 – dated 06.02.2018), wherein this Court had occasion to consider a similar issue relating to mistake

that had crept into the date of birth. This Court, relying upon the decision of the Delhi High Court in Arkshit Kapoor vs. Union of India and others (W.P.No.3721 of 2017 – dated 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 and thereby passed similar order.

11. In the present case, this Court finds that the typographical error in the date of birth is very trivial mistake that happens in the course of keying in, which is required to be condoned.

12. The mistake committed in filling up of the application form regarding date of birth shall remain condoned. Accordingly, this Writ Petition is disposed of with a direction to the respondent to permit the petitioner to participate in the counselling and to declare the final result. No costs. Consequently, connected miscellaneous petitions are closed.

13.12.2018

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To

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

Note : Issue order copy on or before 27/12/2018

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Dr.S.VIMALA, J.

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