



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3212 of 2018

AND

W.M.P.(MD) Nos.3381 to 3383 of 2018

M.Thanga Bavithra

... Petitioner

Vs.

Tamil Nadu Public Service Commission,
represented by its Secretary,
Frazer Bridge road,
VOC Nagar,
Park Town, Chennai - 3.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notifications of the respondent published in their website on 04.01.2018 rejecting the candidature of the petitioner under Registration No.010120068 saying that not satisfying the eligibility condition as per the norms stipulated in their notification and quash the same and consequently directing the respondent to allow the petitioner to participate in the oral Test/Interview and to consider her candidature for the recruitment for posts included in Combined Civil Services Examination-II (interview posts) (Group-II Services) (Service Code No.004) in pursuant to their notification No.7/2015 dated 30.04.2015.

For Petitioner : Mr.V.Kannan
For Respondent : Mr.K.K.Senthil

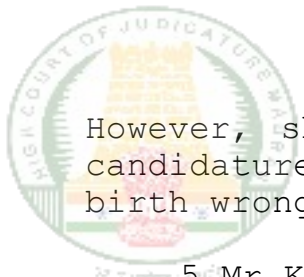
ORDER

Mr.K.K.Senthil, learned standing counsel takes notice for the Tamil Nadu Public Service Commission.

2.By consent of both parties, the main writ petition is taken up for final disposal.

3.The petitioner is a candidate, who has applied in response to the recruitment notification issued by the respondent Commission for filling up the vacancies for the year 2014-15 and 2015-16 for 1241 posts included in Grade-II Civil Services.

4.The petitioner was issued with hall ticket and she cleared the preliminary examination as well as the main examination.



However, she was not called for the oral test. The petitioner's candidature was rejected since the petitioner had given her date of birth wrongly in the online application.

5. Mr. K. K. Senthil, learned standing counsel for the respondent strongly contended that any false or erroneous claim in the application form will lead to automatic rejection of the candidature. He drew the attention of this Court to the instructions inclosed in the information brochure to the effect that if any of the claims is found to be incorrect or false, it will lead to rejection/debarment. He further contended that the petitioner is bound by the said instructions. He placed reliance on the decision of the Bombay High Court in Dyaneshwar V. State of Maharashtra (W.P.No.622 of 2015) reported in 2016 SCC Online Bom 11563. He also drew the attention of this Court to the Division Bench decision of this Court reported in 2006(3) CTC 449 - Dr. M. Vennila V. Tamil Nadu Public Service Commission.

6. Though the objections raised by the learned standing counsel for the respondent are well founded, this Court is inclined to follow the decision rendered by a learned Judge of this Court in respect of the very same recruitment process in W.P.No.2031 of 2018 dated 06.02.2018. In the said writ petition also, the candidate concerned had erroneously entered the date of birth in the online application. However, following the unreported decision of the Delhi High Court in Arkshit Kapoor Vs. Union of India and others (W.P.(C) No.3721 of 2017 dated 31.07.2017), the lapse was condoned. In the present case also, the mistake is obviously inadvertent, not intended to get any gain or advantage. Therefore, following the order dated 06.02.2018 made in W.P.No.2031 of 2018, this Court directs the respondent to consider the candidature of the petitioner and also permit her to take part in the interview.

7. In this view of the matter, the order rejecting the petitioner's candidature is quashed. This writ petition stands allowed with the above direction. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

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

+1CC to Mr. V. Kannan, Advocate, SR.No. 49097

+1CC to Mr. K. K. Senthil, Advocate, SR.No. 49174

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