



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P (MD) No.24585 of 2018

WEB COPY

T.Subageetha

... Petitioner

Vs.

1.The Secretary

Tamil Nadu Public Service Commission
Chennai

2.The Revenue Divisional Officer

Dindigul District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to accept the certificates of the petitioner including the destitute widow Certificate and to permit her to participate in the counseling for appointment to the post of typist.

For Petitioner: Mr.G.Prabhu Rajadurai

For R1 : Mr.D.Sivaraman

For R2 : Mr.J.Gunaseelan Muthian

Additional Government Pleader

ORDER

The petitioner applied for the post of Typist pursuant to the notification issued by the Tamil Nadu Public Service Commission. She also took part in the written examination on 11.02.2018 under the Destitute Widow Category. She belongs to Scheduled Caste (Arundhathiyar) Community. The results were published on 02.11.2018 and the petitioner had obtained 94.50 marks and she was ranked number as 339 under destitute widow category. She was required to upload the certificates relating to her qualification as well as the destitute widow certificate issued by the competent authority on or before 19.08.2018. Even though the petitioner had applied for grant of destitute widow certificate in the year 2015 itself, she was not favoured with a certificate by the revenue authorities. Therefore, she could not upload the certificates within the time limit prescribed by the first respondent. The Commission, however, extended the time for furnishing certificates by the candidates who had applied under Destitute Widow category till 23.08.2018. But the certificate was issued only on 28.11.2018 by the Revenue Divisional Officer, Dindigul District and by the time, the time limit to upload the certificates was over. Hence, the petitioner is before this Court, seeking writ of mandamus directing the first respondent Commission to accept the certificate and permit her to participate in the counseling.



2.Mr.D.Sivaraman, learned counsel, takes notice for the first respondent and upon instructions, he would submit that the list was finalised on 23.10.2018 and the counselling is now going on. The petitioner has not uploaded any of her certificates within the stipulated time. Therefore, it is impossible for the Commission to reconsider the entire list and to give opportunity to the petitioner.

3.The learned counsel appearing for the petitioner would submit that since she was not given the certificate, she could not upload the same. As regards the other certificates, he would submit that due to non issuance of destitute widow certificate, she did not upload the other particulars. The learned counsel would further submit that this Court should take a lenient view, considering the fact that the petitioner is aged about 45 years and she would not have an opportunity to take part in the next selection process.

4.I have considered the rival submissions.

5.No doubt, it is true that the first respondent Commission is in a unenviable position. It is burdened with the task of conducting the selection process for the entire State which involves processing of lakhs of applications. Unless they go strictly by cut off dates, they may not be able to even finish the selection process in time. Despite the same Commission had even extended the time for furnishing the certificate regarding Destitute Widow and physically handicapped persons for over a month till 23.10.2018. Unfortunately the petitioner was able to obtain the certificate only on 28.11.2018. Admittedly, the counseling for the destitute widow category has not commenced. The delay in getting the certificate cannot be attributed to the petitioner. It is the competent authority who had slept over the grant of certificate for over three years.

6.Therefore, in my considered opinion, this is a fit case where an opportunity should be given to the petitioner to participate in the counselling. The petitioner who is admittedly a destitute widow cannot be allowed to suffer, despite having obtained the required marks for counselling in the written examination, for the fault of revenue authority in delaying the grant of destitute widow certificate. Hence, there will be a direction to the first respondent Commission to include the petitioner's name in the counselling process on production of required certificates by her, since the counselling for destitute widow category has not yet commenced. It is made clear that this order is passed on the peculiar facts and circumstances of the case and the same shall not be treated as a precedent. This order does not confer a right to be appointed on the petitioner.



7. Accordingly, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar (Records)

/True Copy/

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Sub Assistant Registrar (CS-IV)

To

1. The Secretary
Tamil Nadu Public Service Commission
Chennai

2. The Revenue Divisional Officer
Dindigul District

+1CC to Mr. G. Prabhu Rajadurai, Advocate, SR.No. 101439
+1CC to Mr. D. Sivaraman, Advocate, SR.No. 101540
+1CC to the Special Government Pleader SR.No. 101773

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MSA
ES/RSK/SAR 4/21.12.2018/3P/6C