

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.05.2019
CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14166 of 2019 and
W.M.P.No.14220 of 2019

N.Devi

... Petitioner

-vs-

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
V.O.C. Nagar,
Chennai - 600 003.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare that the order sent through SMS on 04.05.2019 for rejecting petitioner's application for the reason as the petitioner has uploaded widow certificate instead of destitute widow to the post of Assistant Public Prosecutor Grade II in Prosecution Department in Tamil Nadu General Service, 2015-2016 as null and void and unconstitutional and consequently direct the respondent to permit the petitioner to participate in the main written examination scheduled to be held on 11.05.2019 and 12.05.2019 and to proceed with the selection process in pursuance of the same.

For Petitioner : Mr.Murali for C.Prabakaran

For Respondent : Mr.V.Kadirvelu,
Special Government Pleader

ORDER

The petitioner has filed this Writ Petition, challenging the order sent through SMS on 04.05.2019 and to declare the same as null and void and direct the respondent to permit the petitioner to participate in the main examination scheduled to be held on 11.05.2019 and 12.05.2019.

2. It is the case of the petitioner that she applied for the post of Assistant Public Prosecutor Grade II in Prosecution Department in the Tamil Nadu General Service, 2015 - 2016 on 24.10.2018 through online. Since the

petitioner came out successful in the preliminary examination, she was waiting for appearing for the main examination scheduled to be held on 11.05.2019 and 12.05.2019. But, to the shock and surprise, the petitioner received a communication from the respondent, stating that her application was rejected on the ground that she enclosed only the widow certificate and not the destitute widow certificate.

3. The learned counsel appearing for the petitioner drew the attention of this Court the fact that the reservation for appointment would not be applicable to the destitute widow and ex-service men. Hence, the petitioner has submitted that the order of rejection needs interference by this Court and the petitioner may be permitted to take up the main examination. It is further put forth by the learned counsel for the Petitioner that there is no objection for the petitioner in considering her candidature against 'BC women' category instead of Widow quota.

4. On the contrary, the learned Special Government Pleader appearing for the sole respondent has contended that though the petitioner has cleared the preliminary examination, the necessary fee has to be paid by the petitioner to take up the main / subsequent examination and the prescribed fee has not been paid by her. Therefore, the submission of the petitioner, that she must be considered under the 'BC women' category, cannot be accepted, as the required fee has not been remitted. Hence, the learned Special Government Pleader would submit that the rejection order sent by the respondent through SMS on 04.05.2019 to the petitioner, is perfectly valid.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. It is not in dispute that the petitioner is a widow. A reading of the notification issued by the respondent on 03.10.2018 clearly shows that the reservation of appointment to destitute widows and ex-servicemen will not apply to this recruitment. Hence, the petitioner has not enclosed a certificate.

7. In any event, when the matter is taken up for hearing, the petitioner would submit that at least her case may be considered under the 'BC Women' category and that she is not claiming any relief either under the widow category or under the destitute widow category. The

respondent cannot have any objection in allowing the petitioner to participate in the examination and the selection process to the post of Assistant Public Prosecutor Grade-II in Prosecution Department in the Tamil Nadu General Service, 2015 - 2016 under the 'BC Women' category. Hence, the respondent is directed to permit the petitioner to take up the main examination scheduled to be held on 11.05.2019 and 12.05.2019.

8. However, before issuing the Hall Ticket for the examination, necessary fees has to be collected from the petitioner. It is made clear that the petitioner's candidature will have to be considered only if she comes within the zone of consideration i.e., if she had scored the cut off mark applicable for the 'BC Women' category.

9. At this juncture, it is represented by the learned Special Government Pleader appearing for the respondent that the respondent is willing to accept the fee through Demand Draft drawn in favour of the Secretary, TNPSC, Chennai and the same be handed over to the respondent and thereafter, the Petitioner may collect the Hall Ticket for the examination scheduled to be held on 11.05.2019 and 12.05.2019.

10. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mbi/ar

To

The Secretary,

Tamil Nadu Public Service Commission,

TNPSC Road,

V.O.C. Nagar,

Chennai - 600 003.

+1cc to Mr.C.Prabakaran , Advocate SR.No.43560

W.P.No.14166 of 2019

A.SK(17/05/2019)