

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.16019 of 2019 &
WMP No.15786 of 2019

Mrs.K.Maheswari

...Petitioner

Vs.

The Chaiman,
Teachers Recruitment Board,
DPI Complex,
College Road, Chennai-600 006.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to issue a Hall Ticket to the petitioner and permit the petitioner to sit for examination to be scheduled on 23.06.2019.

For Petitioner : Mr.R.Narendran
For Respondents : Mr.K.Karthikeyan, GA

ORDER

This Writ Petition has been filed, praying for the issuance of a Writ of Mandamus, to direct the respondent to issue a Hall Ticket to the petitioner and permit the petitioner to sit for the examination to be scheduled on 23.06.2019.

2. The respondent issued Recruitment Notification, calling for application for the post of Computer Instructors Grade-I (PG Cadre) on 01.03.2019. The mode of registration is only through OnLine and the petitioner submitted her application on 21.03.2019 through OnLine together with all requirements and also paid necessary fee by way of OnLine transfer. The User Id for OnLine application assigned was TRBGC 8428403 and OnLine fee was made through State Bank of India, Phettikulam Branch vide transaction ID 748069051. After completing the above formalities, the petitioner was awaiting issuance of Hall Ticket to participate in the examination which is scheduled to be held on 23.06.2019. However, it was found by the petitioner that her OnLine application was rejected for the reason that the fee was not paid. She was at a loss to understand as to how the OnLine transaction did not go through at the time when she applied through OnLine on 21.03.2019. The petitioner was not given any

opportunity to rectify any OnLine error by the respondent, but straight away her application was rejected.

3. According to the petitioner, she belongs to Backward community and she is more qualified to be considered for selection and appointment as Computer Instructors Grade-I, but unfortunately, due to some unknown error, the fee which was paid through OnLine, was not processed without the knowledge of the petitioner. In the said circumstances, the petitioner is before this Court, seeking for issuance of a Writ of Mandamus, to direct the respondent to issue Hall Ticket to her to enable her to participate in the examination scheduled to be held on 23.06.2019.

4. Pursuant to the notice ordered to the respondent by this Court, Mr.K.Karthikeyan, learned Government Advocate entered appearance on behalf of the respondent Board.

5. Shri R.Narendran, learned counsel appearing for the petitioner would submit that unfortunately despite the efforts made by the petitioner to pay the fee through OnLine, due to some unknown technical reason, the OnLine transfer could not take place without the knowledge of the petitioner which led to the rejection of the petitioner's application. According to the learned counsel, the qualification prescribed for the post was a PG degree with atleast 50% of marks and B.Ed. Course from an Institution recognized by the UGC. According to the learned counsel, the petitioner has secured 68.80% marks in PG degree and 72.20% marks in B.Ed. Course. The learned counsel would submit that the petitioner has fair chance of being selected for the appointment in the notified vacancies. Therefore, he would implore this Court to consider this case as one of exception and direct the respondent Board to accept the fee manually to be paid on or before 19.06.2019 by the petitioner and on payment, issue Hall Ticket to the petitioner to participate in the examination scheduled to be held on 23.06.2019.

6. Although the learned counsel for the respondent Board strongly objected to such direction being issued to the Board since the mode of transaction is only through OnLine and manual transaction is not permissible at all in respect of any recruitment done by the respondent Board. According to the learned counsel for the respondent Board, the petitioner ought to have been alert while processing the application through OnLine and transferring OnLine fee. He pointed out that the petitioner alone is responsible for not transferring the fee through OnLine and she cannot be shown any indulgence by this Court.

7. This Court considered the submissions made on behalf of the learned counsel for the parties.

8. From the averments, it appears that the petitioner is more than qualified to be considered for selection to the post notified, but unfortunately, it appears that though the petitioner had made efforts to submit her application through OnLine along with other requirements including transfer of fee, but due to some unknown technical reason, fee could not be remitted through OnLine from her banker. This has resulted in denying valuable opportunity to the petitioner to participate in the examination scheduled to be held on 23.06.2019.

9. As rightly contended by the learned counsel for the petitioner, this case can be treated as one of exception and a direction can be issued to the respondent Board to accept the fee manually from the petitioner and allow her to participate in the subject examination, after all, a bona fide candidate cannot be denied an opportunity to secure employment in public service because of a minor technical error which had crept in during the OnLine transaction. It is needless to mention that non-payment of fee though OnLine cannot be considered as one of intentional or inadvertence. It was probably due to bona fide error of misleading digital complexity which could happen to any candidate in the transitional era. Therefore, by giving a benefit of doubt, this Court is of the view that the petitioner is entitled to the relief as sought for.

10. Accordingly, the Writ Petition is allowed and the respondent is directed to accept the fee from the petitioner manually on or before 19.06.2019 and on such payment, issue Hall Ticket to the petitioner immediately and allow her to participate in the examination scheduled to be held on 23.06.2019 in pursuant to the Recruitment Notification dated 01.03.2019. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Chaiman,
Teachers Recruitment Board,
DPI Complex,
College Road, Chennai-600 006.

+1 cc to Mr.R.Narendran, Advocate, S.R.No.48854

W.P.No.16019 of 2019

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