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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19817 of 2019

&

W.M.P.No. 19345 of 2019

E.Sankavi

... Petitioner

vs

Tamil Nadu Public Service Commission

Represented by its Secretary

TNPSC Road, Park Town,

VOC Nagar, Chennai - 600 003.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the action of the respondent in rejecting the application submitted by the petitioner for taking up the Main Written Examination for the post included in CCS-I Examination (Group - I Services 2019) on the ground that the petitioner has not uploaded the evidence for passing the UG Degree Examination in terms of Para 6(B)(ii) of the Notification No.1 of 2019 dated 01.01.2019 as illegal, arbitrary and contrary to law and consequently direct the respondent to process the application of the petitioner for taking up the Main Written Examination scheduled to be held on 12.07.2019, 13.07.2019, 14.07.2019 and permit to take up the Main Written Examination.

For Petitioner : Mr.M.Manimara

For Respondents : Ms.C.N.G.Niraimathi
Standing Counsel TNPSC

O R D E R

The prayer sought for in this Writ Petition is to declare the action of the respondent in rejecting the application submitted by the petitioner for taking up the Main Written Examination for the post included in CCS-I Examination (Group - I Services 2019) on the ground that the petitioner has not



uploaded the evidence for passing the UG Degree Examination in terms of Para 6(B)(ii) of the Notification No.1 of 2019 dated 01.01.2019 as illegal, arbitrary and contrary to law and consequently direct the respondent to process the application of the petitioner for taking up the Main Written Examination scheduled to be held on 12.07.2019, 13.07.2019, 14.07.2019 and permit to take up the Main Written Examination.

2. The case of the petitioner is that she is a BE degree holder in Electronics and Communication Engineering from PSG College of Technology. The respondent had issued notification No.1 of 2019 dated 01.01.2019 inviting application for direct recruitment to the vacancy (Group - I service 2019) for the posts such as Deputy Collector, Deputy Superintendent of Police, Assistant Commissioner, Deputy Registrar of Cooperative Societies, District Registrar, Assistant Director of Rural development, District Employment Officer and district Officer (Fire and Rescue Services). It is the case of the petitioner that when the notification was issued, the petitioner has completed her 7th semester examination and the only semester examination remained was the 8th semester examination. The 8th semester consists of internship and Project work II. As per notification, the application for taking up Preliminary Examination has to be submitted through online between 03.01.2019 and 31.01.2019.

3. Accordingly, the petitioner applied for the said posts and attended the Preliminary Examination which was held on 03.03.2019. The preliminary examination result was released on 03.04.2019 and the petitioner came successful in the examination. The respondent issued memorandum No.793 dated 08.04.2019. In the said memorandum, the petitioner was informed that she has been admitted provisionally for the certificate verification to verify the genuineness of her claim made in the online application for the posts included in CCS- I examination (Group - I services 2019) and to upload the application to take up the Main Examination between 10.04.2019 and 26.04.2019. The petitioner applied for the same on 22.04.2019. In the meanwhile, the 7th semester examination for the BE course was over on 19.11.2018 and result was declared on 05.12.2018. In the 8th semester, there is no theory papers and it only contains internship and project work. The internship was over on 26.04.2019 and Project work II was over on 14.05.2019. Thereafter, the petitioner was issued with provisional degree certificate only on 27.05.2019. However, while the petitioner was checking the website of the respondent for Hall ticket for taking up Main Examination, she came to know that her application for appearing Main Examination was rejected on the sole ground that she has not submitted her Provisional Degree Certificate. Hence, present Writ Petition has been filed.



4. The learned counsel for the petitioner would submit that the petitioner has clearly mentioned that she is in the final year BE course and had also uploaded the certificate issued by the PSG College of Technology. He would further submit that in the memorandum dated 08.04.2019 in clause 13 it is stated that, if any of the documents mentioned is not uploaded the reason should be stated in the form of letter and the same may be uploaded without fail in other documents column. Therefore, he would submit that the petitioner has mentioned the reason for not uploading the Provisional Certificate in the online application. Hence, he prayed this Court to allow the Writ Petition.

5. Ms.C.N.R.Niraimathi, learned Standing Counsel appearing for the respondent Commission would reiterate the contents of the counter affidavit which would read as follows:

"7.In respect of petitioner Selvi.E.Sankavi, it is submitted that, she has not uploaded UG degree certificate in support of her claim on the other hand she has only uploaded a request letter stating that her final semester examinations will be over by April 2019 and results are expected to be declared in May 2019. Hence her application has been rejected for the reason that she has failed to upload UG degree certificate or Provisional certificate within the stipulated time (on or before 26.04.2019). The candidate has claimed in the online application that she has written the final year degree examination before the date of Notification whereas the requisition letter uploaded by her proves otherwise that she will appear for final examination only in April 2019. Hence, her application was duly rejected. It is pertinent to note that she was not qualified even for Preliminary Examination.

8.It is submitted that, according to para 6(B) under Note (ii) of the Commission's Notification dated 01.01.2019, the candidates who have written the final year degree examination, may also apply for the preliminary examination for direct recruitment to the posts included in Group I Services subject to the condition that they should produce proof for having passed the degree examination while uploading the original documents (Last date for uploading documents through e-seva centres i.e. 26.04.2019) through Internet for the main written examination failing which, they will not be admitted to the main written examination.



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9.Hence, as per para 2 of notice for Certificate verification Memo No.793/APD-A1/2019, dated 08.04.2019 the application of the candidates have been rejected for the reason that they have failed to upload the supporting documents as per claim made in their online applications relating to Group-I. Even this Hon'ble Court was pleased to rightly decline the petitioners prayer to permit them to participate in the Main Written Examination. The Main Written Examination were already held from 12.07.2019, 13.07.2019 and 14.07.2019."

6. She would submit that notification itself makes it clear that person who have written the final year degree examination shall apply for the preliminary examination for direct recruitment to the posts included in Group I Services subject to the condition that they should produce proof for having passed the degree examination while uploading the original documents through Internet for the Main Written Examination failing which, they will not be admitted to the said Examination. However, the petitioner has completed her final degree examination only in the month of April 2019 and it makes it clear that at the time of notification the petitioner had not completed the final degree examination as prescribed in the notification. Further, the petitioner has not been able to produce the proof for having passed the degree examination on the last date i.e, 26.04.2019 for submitting the applications through online.

7. Heard the counsel and perused the records.

8. The petitioner has come forward with a case that she has clearly mentioned the reason for not uploading the provisional degree certificate through online. However, in the Notification dated 01.01.2019, in clause 6 (B) Note: (ii) it is clearly stated that the applicants who have written the final year degree examination, may also apply for the Preliminary Examination for direct recruitment to the posts included in Group - I Services, subject to the condition that they should produce proof for having passed the degree examination while uploading the original documents through Internet for the main written examination failing which they will not be admitted to the Main Written Examination.

9. It is to be noted that the petitioner has completed her final semester degree examination on 14.05.2019 and was issued with the Provisional Degree Certificate only on 27.05.2019, whereas, the last date to upload the original documents through Internet for the Main Written Examination is on 26.04.2019.



Further, the Main Written Examination was already completed on 14.07.2019. Hence, the claim of the petitioner is unsustainable one and deserves to be dismissed.

10. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed. However, this order will not stand in the way of the petitioner to participate in the next selection process.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

The Secretary,
Tamil Nadu Public Service Commission
TNPSC Road, Park Town,
VOC Nagar, Chennai - 600 003.

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