



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P (MD) No.11141 of 2019

and

W.M.P (MD) Nos.8500 to 8502 of 2019

M.Saran

... Petitioner

Vs.

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

2.Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town, VOC Nagar,
Chennai-3.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent dated 24.04.2019 and for consequential direction, directing the respondents to appoint the petitioner (Registration Number 100001115) for the post of Horticultural Officer in Assistant Director of Horticulture and Horticultural Officer in the Tamil Nadu Horticultural Service, 2018-2019 by calling the petitioner for interview within the time stipulated by this Court.

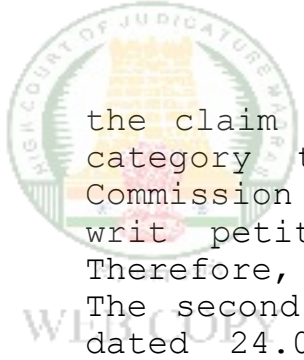
For Petitioner :Mr.T.Aswin Raja Simman
for Mr.R.Venkatesan

For Respondents:Mr.D.Siva Raman

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondent Commission.

2.The petitioner applied for being appointed as Horticulture Officer/Assistant Director in the department of Horticulture in response to the notification issued by the respondent Commission. The petitioner was allowed to write the examination. It appears that he has come out successfully therein. At the time of certificate verification, it was found that even though the writ petitioner had claimed that he would come under PSTM category, he was actually not coming under the said category. In other words,



the claim made by the writ petitioner that he belongs to the PSTM category turned out to be clearly erroneous. The respondent Commission would characterize the same as a false claim, while the writ petitioner would contend that it was a mistaken claim. Therefore, the petitioner was not permitted to attend the interview. The second respondent has also issued a formal order of rejection dated 24.04.2019. The same is under challenge in this writ petition.

3.The learned counsel appearing for the writ petitioner placed heavily reliance on the decision of the Hon'ble Division Bench made in W.P.No.424 of 2018, dated 23.01.2019. In the said case also, the appellant had made an erroneous claim that he belongs to PSTM category. Interpreting similar clauses in the information brochure issued by the Commission, the Hon'ble Division Bench held as follows:-

"Clause 6(L) has to be interpreted that for not furnishing of the certificate would only dis-entitle the petitioner from claiming the benefit for preferential allotment given to persons who have studied in Tamil Medium. But Clause 6(L) cannot be interpreted to mean that, on the failure to produce certificate, the petitioner would lose the chance of being considered, in other categories to which he is otherwise entitled, for a post."

4.He also placed before me a compilation of cases in which, the High Court had taken an indulgent view of the lapse committed by the candidates. He also pointly reminded me that I had allowed a writ petition filed by another candidate in W.P.(MD)No.8213 of 2019, wherein, a wrong date of birth was entered in the application.

5.I am not persuaded by the submission of the learned counsel appearing for the writ petitioner. As rightly contended by the learned standing counsel appearing for the respondent Commission, each case will turn on its own facts. It appears that an undertaking was given by the learned Standing Counsel before this Court in W.P.No.424 of 2018 that the appellant therein would be permitted to attend the interview. The Commission later sought to do a U-turn. That apart, the interpretation given by the Hon'ble Division Bench is only to the effect that if PSTM certificate is not furnished, the candidate concerned will lose the chance of being considered under the reserved category. The Hon'ble Division Bench consciously refrained from answering the question as to whether the appellant therein deliberately made a wrong /false statement.

6.In the case on hand, the specific contention of the learned Standing Counsel is that the petitioner had knowingly made a false claim. When this Court posed a specific question to the petitioner's counsel as to whether he belongs to the PSTM category, the petitioner's counsel fairly conceded that the petitioner does not belong to the PSTM category. Thus, the claim made by him in the application is clearly a false statement.



7.I would rather go by the earlier Division Bench decision made in **2006 (3) CTC 449 (Mrs.Vennila Vs. Tamil Nadu Public Service Commission)**. The Hon'ble Division Bench in the said decision, after an elaborate decision of the various cases, held that the information brochure has the force of law and has to be strictly complied with. The online application submitted by the writ petitioner has been enclosed in the typed set of papers. In the application, the petitioner has claimed that the medium of instruction was Tamil and that he enclosed PSTM in the prescribed format. It was issued on 31.10.2016. These are clearly incorrect statements. Clause 12(K) in the information Brochure issued by the respondent Commission reads as follows:-

"Incomplete applications and applications containing wrong claims or incorrect particulars relating to category of reservation/eligibility/age/communal category/education qualification/medium of instruction/physical qualification/other basic qualifications and other basic eligibility criteria will be liable for rejection."

8.When the Hon'ble Division Bench in the decision reported in **2006 (3) CTC 449 (Mrs.Vennila Vs. Tamil Nadu Public Service Commission)** has held that the clauses in the information brochure has the force of law and have to be strictly complied with, my hands are tied. Therefore, I hold that the petitioner has not made out his case. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To:
The Secretary,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Chennai.

+1 CC to M/s.R.VENKATESAN, Advocate SR-65568.
+1 CC to M/s.D.SIVARAMAN, Advocate SR-65674.

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